

VICTORIA.



VOTES

AND

PROCEEDINGS

OF THE

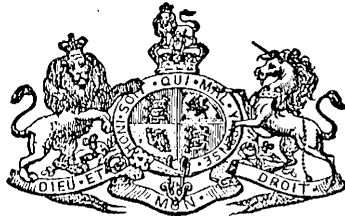
LEGISLATIVE

COUNCIL.

SESSION

1877-8.

VICTORIA.



VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

DURING THE SESSION

1877-8,

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

By Authority:

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1877.

RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 22ND MAY, 1877, AT THE
OPENING OF THE TWENTY-FIFTH SESSION OF PARLIAMENT.

Names arranged in the Order of Retirement.	Elected at—		Remarks.
	Nomination.	Polling.	
CENTRAL PROVINCE:			
The Honorables—			
James Graham	15th Aug., 1876	Retired by rotation and re-elected.
Theodotus John Sumner	15th Aug., 1874.		
Frederick Thomas Sargood ... ..	... ..	12th May, 1874.
George Ward Cole	10th Dec., 1870.		
Thomas Turner a'Beckett	20th April, 1870.		
SOUTH PROVINCE:			
The Honorables—			
James Buchanan	29th Aug., 1876 ...	Elected instead of the Honorable W. A. C. a'Beckett, retired by rotation.
Thomas Ferrier Hamilton	18th Aug., 1874.		
Frank Stanley Dobson	17th Aug., 1872.		
James Balfour ... ..	... ..	19th June, 1874.
John Pinney Bear ... ..	... ..	3rd Oct., 1868.
SOUTH-WESTERN PROVINCE:			
The Honorables—			
George Frederick Belcher	4th Sept., 1876 ...	Retired by rotation and re-elected.
Henry Cuthbert	25th Aug., 1874.		
James Henty	23rd Aug., 1872.		
John Cumming	24th Aug., 1870.		
Caleb Joshua Jenner	29th Sept., 1868.		
WESTERN PROVINCE:			
The Honorables—			
Sir Charles Sladen	29th Aug., 1876	Elected instead of the Honorable W. Skene, retired by rotation.
Thomas Bromell ... ..	... ..	11th Sept., 1874.
Niel Black	30th Aug., 1872.		
Sir Samuel Wilson ... ..	... ..	22nd June, 1875
Robert Simson	6th Oct., 1868.		
NORTH-WESTERN PROVINCE:			
The Honorables—			
Alexander Fraser	16th Sept., 1876 ...	The Honorable J. H. Abbott was returned as elected (16th Septem- ber, 1876) instead of the Honora- ble A. Fraser, retired by rota- tion; but on the 31st October was reported by the Elections and Qualifications Committee to be unqualified, and the Honora- ble A. Fraser was determined to have been duly elected on 16th September, 1876.
Nicholas Fitzgerald	4th Sept., 1874.		
William Campbell ... ..	... ..	16th Sept., 1872.
Sir William Henry Fancourt Mitchell	2nd Sept., 1870.		
Francis Robertson ... ..	... ..	2nd Nov., 1868.
EASTERN PROVINCE:			
The Honorables—			
Robert Stirling Anderson	5th Sept., 1876	Retired by rotation and re-elected.
John Alston Wallace	4th Sept., 1874.		
Robert Dyce Reid	15th Nov., 1876	Elected instead of the Honorable Sir F. Murphy, resigned.
William Highett	2nd Sept., 1870.		
William Wilson	13th Jan., 1875.		

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 „ 2. Cable Conference.—Report of Proceedings, &c., 1877, held in Sydney.
 „ 3. Post Office Savings Bank.—Statement of Accounts, Year ending 31st December, 1876.
 „ 4. Post Office and Telegraph Department—Report upon, for the Year 1876.
 „ 5. Land Act 1869—Report of Proceedings taken under the provisions of, during Year ending 31st December, 1876.
 „ 6. Voidance of License under 19th Section, Part II., of Land Act 1869, in certain cases.—Order in Council (8th January, 1877.)
 „ 7. Land Act 1869.—Regulation.—Sale and removal of sand.—Order in Council.
 „ 8. State Forests Act 1876.—Regulations.—Order in Council (15th May 1877).
 „ 9. Pilot Board—Accounts of, for Year ending 31st August 1876.
 „ 10. Import, Export, Transhipment, and Shipping Returns—A General Summary of, with Abstract of Customs Revenue for Year 1876, and Abstract Comparative Table, Years 1873-6.
 „ 11. Ballarat Mining District.—Fees for Survey of Tenements in (6th March 1877).
 „ 12. Tramways for Mining Purposes.—Leases of Land for (16th April 1877).
 „ 13. Maryborough Mining District—Polling Places for.—Order in Council (22nd January, 1877).
 „ 14. Dunolly Reservoir—Mining Operations at.—Order in Council (12th February, 1877).
 „ 15. Beechworth and Ballarat Mining District—Polling Places for.—Order in Council (29th January, 1877).
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 „ 17. Spring Gully, Castlemaine—Carrying on Mining Operations in Reservoir at.—Order in Council (6th March, 1877).
 „ 18. Mines, Inspector of—Report of, for 1876.
 „ 19. Mineral Statistics of Victoria for 1876.
 „ 20. Mining Surveyors and Registrars—Reports of, for Quarters ending 31st December, 1876, and 31st March, 1877.
 „ 21. Industrial and Reformatory Schools.—Report of Inspector, 1876.
 „ 22. Penal Establishments and Gaols.—Report of Acting Inspector-General for Year 1876.
 „ 23. Diseases and Deaths in Establishments under charge of Chief Medical Officer, during 1876.
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 „ 26. Insane—Hospitals for.—Report of Inspector, 1876.
 28th June. 27. Victorian Railways.—Report of Board of Land and Works for Half-Year ending 31st December 1876.
 „ 28. University of Melbourne.—Report of Proceedings for Year ending 31st May 1877.
 10th July. 29. Statistical Register of Colony of Victoria.—Part I.—Blue Book.
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 17th July. 30. Yan Yean Water Supply.—Statement of Expenditure under Loan Act, No. 531, section 12, during Year ending 30th June, 1877.
 „ 31. Exhibition, Sydney, 1876.—Report of Victorian Commissioners.
 „ 32. Observatory.—Twelfth Report of Board of Visitors.
 „ 33. Naval Defences—Correspondence.—November, 1876 to 3rd July, 1877.
 24th July. 34. Public Library, Museum, &c.—Report of Trustees for the Year 1875-6.
 „ 35. Public Works Loan Act No. 428, and Railway Loan Act 1873, No. 468.—Statement of Money applied under, during the Year 1876-7.
 7th August 36. Statistical Register, Victoria, 1876—Part IV.—Vital Statistics, &c.
 „ 37. Despatches from the Right Honorable the Secretary of State on mission of His Excellency Colonel Sir William Jervois, at request of the Australian Colonies.
 „ 38. Land Act 1869.—Fees payable under Sec. 49.—Order in Council (25th June, 1877).
 „ 49. Land Act 1869.—Licenses to cut Timber.—Order in Council (3rd July, 1877).
 „ 40. Schedule D to 18 and 19 Vict., Cap. 55.—Expenditure under, 1876-7.
 „ 41. Lunatic Asylums.—Return of Inspector for six months ending 30th June, 1877.
 „ 42. Telegrams, State—Transmission of, to Country Newspapers.—Order in Council (26th July, 1877).
 „ 43. Telegraphic Messages—Extension of Free Delivery of.—Order in Council (3rd July, 1877).
 „ 44. Telegraphic Press Messages—Rates of Charge.—Order in Council 16th July, 1877).
 „ 45. Paris Universal Exhibition, 1878—Despatches, &c., concerning.
 „ 46. Royal Commission for Paris Exhibition, 1878.—First Report (26th July, 1877).
 „ 47. Education Act 1872.—Regulations under (3rd May, 1877).
 „ 48. Instruction—Public.—Report of, for year 1876-7.

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- 14th Aug. 49. Parliament Buildings.—First Report of Royal Commission on.
 „ 50. Friendly Societies.—Final Report of Royal Commission on.
 „ 51. Victorian Water Supply.—Statement of application of Moneys to, during Year ending 30th June, 1877, under Loan Acts 428 and 531.
- 21st Aug. 52. Land Act 1869.—Regulations as to Licenses to cut and remove Timber.—Order in Council (6th August 1877)
- 22nd Aug. 53. Health, Central Board of.—Seventeenth Report of (17th July, 1877).
- 23rd Aug. 54. Statistical Register, Victoria.—Part V.—Production.
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- 18th Sept. 55. Traffic Circular respecting Conveyance of Live Stock.—Return to Order of Council.
 „ 56. Fisheries Act 1873.—Notice in *Government Gazette* of intention to substitute one weight for another regarding Gar-fish
- 26th Sept. 57. Abstracts of Returns furnished by Shire Councils as to properties over 640 acres within the several Shires with Memoranda attached thereto.
- 27th Sept. 58. Telegraph Cables.—Correspondence concerning evidence of Mr. Audley Coote at a Conference in Sydney in 1875.
 „ 59. Telegraph Cable *viâ* United States.—Correspondence concerning.
 „ 60. Land Act 1869.—Regulations concerning occupation of Sale Municipal Common under 49th section.—Order in Council (13th September, 1877).
- 9th Oct. 61. Aborigines—Thirteenth Report of the Board for Protection of.
- 11th Oct. 62. Land Act 1869.—Fee for Registration of Transfer or Mortgage of Leaseholds under section 20.—Regulation.—Order in Council (1st October, 1877).
- 23rd Oct. 63. Exhibition at Philadelphia.—Final Report of Commissioners for Victoria.
 „ 64. Fisheries Act 1873.—*Gazette* notice of intention to alter the close season for English perch (25th September, 1877).
 „ 65. Yan Yean Water Supply.—Cash Statement and Balance-sheet (30th June, 1877).
- 24th Oct. 66. Fisheries Act, 1873.—*Gazette* notice approving an altered definition of the mouth of the Yarra.
- 30th Oct. 67. Land Act 1869.—Regulation as to Fees payable under section 49.—Order in Council (22nd October, 1877).
 „ 68. Land Act 1869.—Regulation respecting Timber Licenses.—Order in Council (22nd October, 1877).
 „ 69. Savings Banks.—Statement and Returns for Year ending 30th June, 1877.
- 31st Oct. 70. Defence of Harbors of Warrnambool, Belfast, and Portland.—Memorandum by His Excellency Sir W. Drummond Jervoise, R.E., K.C.M.G., C.B.
- 7th Nov. 71. Sale and use of Poisons Act 1876.—Regulations.—Order in Council (15th October, 1877).
- 15th Nov. 72. Land Act 1869.—Estimate of Land to be sold in the Year 1877-8.
- 20th Nov. 73. Deceased Persons—Duties on Estates of.—Rules made under Duties on Estates of Deceased Estate Statute 1870 (12th November, 1877).
- 27th Nov. 74. Aborigines.—Report of Royal Commission on.
- 29th Nov. 75. Public Accounts.—Supplementary Regulation, 22 Vict. No. 86 (19th November, 1877).
- 4th Dec. 76. Statistical Register, Victoria, 1876.—Part VII.—Interchange.
 Part VIII.—Law, Crime, &c.
 Part IX.—Religious, Moral, and Intellectual Progress.
- „ 77. Australasian Statistics, 1876—With Introductory Report by Government Statist.
 „ 78. Telegraphic Communication, *viâ* Java.—Despatch (with enclosures) from the Right Honorable the Secretary of State (9th July, 1877).
- 13th Dec. 79. Mining Surveyors and Registrars—Reports of, for Quarter ending 30th September, 1877.
 „ 80. Public Accounts.—Addendum to Regulation of 26th May, 1874 (6th December, 1877).
- 19th Dec. 81. Public Accounts—Regulation respecting certifying.—Department of Roads and Bridges (10th December, 1877).
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- 9th Jan. 82. Defences.—Preliminary Report by His Excellency Sir W. F. Drummond Jervois, R.E., K.C.M.G., C.B. (20th July, 1877).
- 5th Feb. 83. Gippsland Mining District—Divisions of.—Order in Council (7th January, 1878).
 „ 84. Gippsland Mining District.—Polling Places.—Order in Council (7th January, 1878).
 „ 85. Indian Famine Relief Fund—Despatch respecting initiation of, in Melbourne, from the Right Honorable the Secretary of State for the Colonies (29th November, 1877).
 „ 86. Deputy Master of Melbourne Mint, appointment of.—Despatch (28th November, 1877).
 „ 87. Appointment of Sir C. G. Duffy to be K.C.M.G.—Despatch (26th November, 1877).
 „ 88. Paris Exhibition.—Space applied for by Victoria.—Despatch (29th November, 1877).
 „ 89. Land Tax Act.—Despatch (20th December, 1877).
 „ 90. New Hebrides—Proposed occupation of.—Despatch (5th December, 1877).
 „ 91. Payment of Members.—Despatch (20th December, 1877).
- 12th Feb. 92. Cemetery Sites—New Form of Crown Grant for.—Regulation.—Order in Council (4th February, 1878).
 „ 93. Land Act 1869.—Regulation relating to Duties of District Surveyors' Substitutes.—Order in Council (4th February, 1878).
 „ 94. Crown Grant—New Form of—with Railway conditions.—Order in Council (4th February, 1878).
 „ 95. Sandhurst Mining District.—Polling Places.—Order in Council (4th February, 1878).
 „ 96. Races, Dams, &c.—Regulations for.—Rescission of words in Regulation of 12th April, 1869, relating to Licenses for cutting.—Order in Council (21st January, 1878).
 „ 97. Public Accounts—Regulation respecting certification of, in Public Works Department (10th December, 1877).

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- 19th Feb. 98. Press Messages in Victoria.—Rates chargeable.—Order in Council (6th February, 1878).
- 6th March 99. Sanatory Station.—Report of Chief Medical Officer for Year ending 31st December, 1877.
- „ 100. Mining Surveyors and Registrars.—Reports of, for Quarter ending 31st December, 1877.
- „ 101. Philadelphia Exhibition.—Despatch from the Right Honorable the Secretary of State on Report of Commissioners (29th December, 1877).
- „ 102. Ballarat Juvenile Industrial Exhibition.—Despatch from the Right Honorable the Secretary of State concerning (15th January, 1878).
- „ 103. Indian Famine Relief Fund.—Despatch from the Right Honorable the Secretary of State concerning (26th December, 1877).
- 20th March 104. Education—Public—Report on, by Commissioner (1878).
- 2nd April 105. Indian Famine Relief Fund.—Despatch from the Right Honorable the Secretary of State (with enclosure). No. 10. (15th February, 1878).
- „ 106. New Hebrides Islands—Suggested Protectorate of.—Despatch from the Right Honorable the Secretary of State for the Colonies. No. 7. (18th January, 1878).
- „ 107. New Government House at Melbourne—Despatches concerning (4th October, 1876 to 10th March, 1878).
- „ 108. Press Telegrams.—Order in Council (20th March, 1878).
- 3rd April 109. Postal Convention between Victoria and United States of America (approved by the Governor, 28th March, 1878).
- „ 110. Diseases and Deaths.—Return of, 1877, by Chief Medical Officer.
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Minutes of the Proceedings
 OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 22ND MAY, 1877.

Pursuant to Proclamation the Council met.

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

PROCLAMATION.

By His Excellency SIR GEORGE FERGUSON BOWEN, 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, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS, by the Constitution Act it was amongst other things enacted that it shall be lawful for the Governor to fix such places within Victoria, and, subject to the limitation therein contained, such times for holding the first and every other Session of the Council and Assembly, and to vary and alter the same respectively in such manner as he 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 shall deem it expedient: And whereas the said Council and Assembly are called "The Parliament of Victoria," and it is expedient to fix the time for holding the next Session thereof: Now therefore I, the Governor of Victoria, in exercise of the power conferred by the said Act, do by this my Proclamation fix Tuesday the twenty-second of May 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 Twelve of the clock at noon, 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 seventeenth day of May, in the year of our Lord One thousand eight hundred and seventy-seven, and in the fortieth year of Her Majesty's reign.

(L.S.)

G. F. BOWEN.

By His Excellency's Command,

JAMES McCULLOCH.

GOD SAVE THE QUEEN!

Commissioners from His Excellency the Governor appointed to open the Parliament having been introduced to the Council Chamber by the Usher, the Senior Commissioner desired the Usher to request the presence of the Members of the Legislative Assembly to hear the Commission read for opening and holding this present Session of the Parliament.

The Assembly having presented themselves, the Commission was read by the Clerk as follows :—

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

WHEREAS, by Proclamation made the seventeenth day of May instant by His Excellency SIR GEORGE FERGUSON BOWEN, 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, the said SIR GEORGE FERGUSON BOWEN did fix that the next Session of the Legislative Council and the Legislative Assembly of Our said Colony, now called "The Parliament of Victoria" should commence and be holden on Tuesday the twenty-second day of May instant, at Twelve of the clock at noon, in the Parliament Houses, situated in Parliament place, Spring street, in the City of Melbourne: And forasmuch as for certain causes the said SIR GEORGE FERGUSON BOWEN cannot conveniently be present in person in the said Parliament at that time: NOW KNOW YE that WE, trusting in the discretion, fidelity, and care of Our trusty and well-beloved the HONORABLE SIR WILLIAM FOSTER STAWELL, Knight, the Chief Justice of Our Supreme Court of Victoria, and the HONORABLE ROBERT MOLESWORTH, a Justice of our said Court, do give and grant by the tenor of these presents unto you the said SIR WILLIAM FOSTER STAWELL and ROBERT MOLESWORTH, or either of you, full power in Our name to begin and hold Our said Parliament, and to do everything which for and by Us, or the said SIR GEORGE FERGUSON BOWEN, shall be there to be done; commanding also by the tenor of these presents all whom it may concern to meet Our said Parliament, and to the said

SIR WILLIAM FOSTER STAWELL and ROBERT MOLESWORTH, or either of them, that they diligently attend in the premises and form aforesaid. In testimony whereof We have caused the Seal of Our said Colony to be hereunto affixed.

WITNESS Our trusty and well-beloved SIR GEORGE FERGUSON BOWEN, 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, and Vice-Admiral of the same, &c., &c., &c., at Melbourne, this twenty-first day of May, One thousand eight hundred and seventy-seven, and in the fortieth year of Our reign.

(L.S.)

G. F. BOWEN.

By His Excellency's Command,

GRAHAM BERRY.

Entered on Record by me in the Register of Patents, Book 20, page 20, this twenty-first day of May, One thousand eight hundred and seventy-seven.

W. H. ODGERS.

The Senior Commissioner informed the Members of the Legislative Council and Legislative Assembly that His Excellency the Governor would, in person, declare the cause of his calling the Parliament, on a future day, in the Legislative Council Chamber, and requested the Members of the Legislative Assembly in the meantime to proceed to the choice of a Speaker.

The Legislative Assembly withdrew.

The Commissioners withdrew.

The President took the Chair.

The President read the Prayer.

DECLARATIONS OF MEMBERS.—The Honorables the President, J. Graham, J. Cumming, A. Fraser, G. W. Cole, R. S. Anderson, C. J. Jenner, R. D. Reid, F. T. Sargood, W. Highett, J. A. Wallace, R. Simson, Sir S. Wilson, T. J. Sumner, J. Buchanan, W. Campbell, and W. Wilson 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 incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Emberton, in the county or reputed county of Dalhousie, the description of which lands and tenements are as follow:—

“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 lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“W. H. F. MITCHELL.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, 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 annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Melbourne, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“Allotments Nos. 11, 12, and portions of No. 10, block No. 11, situated in Bourke, Russell, and Little Collins streets, in the city of Melbourne, with the several buildings erected thereon.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Melbourne are rated in the rate-books of such municipal district as follows:—Over Two hundred and fifty pounds sterling per annum.

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

“JAS. GRAHAM.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, JOHN 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 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 Terinallum, in the county or reputed county of Hampden, the description of which lands and tenements are as follow:—

“Freehold land in the parish of Terinallum.

“And I further declare that such of the said lands and tenements as are situate in the shire of Mortlake are rated in the rate-books of such municipal district as follows:—In excess of Two hundred and fifty 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.

"JOHN CUMMING."

"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 thereon erected.

"No. 2. Part allotment 139A, parish of Prahran, county of Bourke, having a frontage of 216 feet to Argyle street, with improvements.

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

"No. 1. Rated in the rate-book of the district of St. Kilda at Two hundred and twenty pounds per annum.

"No. 2. Rated in the rate-book of the district 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, GEORGE WARD COLE, 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 Jika-jika, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Allotment 4 of section 2, fronting Flinders and Little Flinders streets, with bonded stores, houses, &c., &c.

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

"Cole's Bonded Stores, Flinders-street, at over £350 per annum.

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

"GEORGE WARD COLE."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, 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 parishes of Boroondara, South Melbourne, Holden, and West Melbourne, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Freehold land and premises at Kew, where I reside.

"Freehold land and premises at Emerald Hill.

"Freehold land and premises at Sunbury.

"And land and premises in West Melbourne.

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of Kew, Emerald Hill, Bulla, and Melbourne, are rated in the rate-books of such municipal districts as follows:—In excess of Two hundred and fifty pounds per annum.

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

"ROBERT S. ANDERSON."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, CALER 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 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 St. Kilda and Wannaene, in the counties or reputed counties of Bourke and Mornington, the description of which lands and tenements are as follow:—

"Six acres of land, Brighton road, St. Kilda, known as Alfriston, on which is erected a residence, and other improvements.

"A farm, consisting of 175 acres of land, county of Mornington.

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of St. Kilda and Kangerong are rated in the rate-books of such municipal districts as follows:—Over Two hundred and fifty pounds per annum.

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

“ C. J. JENNER.”

“ In compliance with the provisions of the Act 32 Victoria, No. 334, I, ROBERT DYCE REID, 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 Seven thousand pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of Prahran, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“ Part of Crown Portion 149 A.

“ Parts of Crown Portion 52.

“ And I further declare that such of the said lands and tenements as are situate in the municipal districts of St. Kilda and Prahran are rated in the rate-books of such municipal districts as follows :—Over Two hundred and fifty pounds per annum.

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

“ R. D. REID.”

“ In compliance with the provisions of the Act 32 Victoria, No. 334, I, FREDERICK THOMAS SARGOOD, 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 Twenty-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 :—

“ Forty-five acres of land and dwelling-house, situated in East St. Kilda, and known as Rippon Lea.

“ 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 :—At £605 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.

“ F. T. SARGOOD.”

“ In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM HIGHETT, 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 Maindample, in the county or reputed county of Delatite, the description of which lands and tenements are as follow :—

“ Freehold estate of upwards of five thousand acres.

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

“ WILLIAM HIGHETT.”

“ 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 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 Wooragee, Bright, Nepean, and Fingal, in the counties or reputed counties of Mornington, Delatite, and Bogong, the description of which lands and tenements are as follow :—

“ Six hundred and sixty-six acres of land in the parish of Wooragee ; lands and dwelling-houses in the parish of Bright ; one hundred and sixty-two acres of land in the parish of Nepean ; five hundred and fifty-five acres of land in the parish of Fingal ; town allotments in the townships of Beechworth and Stanley.

“ And I further declare that such of the said lands and tenements as are situate in the municipal districts of Beechworth, Bright, Flinders, and Kangerong, are rated in the rate-books of such municipal districts [or districts respectively] as follows :—At over Two hundred and fifty pounds per annum.

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

“ JOHN A. WALLACE.”

“ 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 annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of

Brewster, in the county or reputed county of Ripon, the description of which lands and tenements are as follow :—

“ Five thousand four hundred and twenty-three acres of freehold 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 :—

Description of Property.	Situation.	Riding or Division.	Electoral District and Division.	Full Net Annual Value.
5423 acres...	... Brewster ...	North 1	Ripon and Hampden, Raglan ...	Over £700.

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

“ ROBERT SIMSON.”

“ In compliance with the provisions of the Act 32 Victoria, No. 334, I, SAMUEL WILSON, 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 over One thousand pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Ercildoun, in the county or reputed county of Ripon, the description of which lands and tenements are as follow :—

“ Freehold land of a value of over Two thousand five hundred pounds sterling.

“ And I further declare that such of the said lands and tenements as are situate in the municipal district of the shire of Lexton are rated in the rate-books of such municipal district as follows :—20,506 acres pasture land and tenements, at a net annual value of £6,889.

“ 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.

“ SAML. WILSON.”

“ 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 _____ in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“ All those lands and tenements in the borough of Brunswick, known as Stony Park, Willow Bank, and lands thereunto adjacent.

“ And I further declare that such of the said lands and tenements as are situate in the municipal districts of Brunswick and Northcote are rated in the rate-books of such municipal districts as follows :—At no less than Three thousand 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.

“ THEO. JNO. SUMNER.”

“ 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 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 Berwick, in the county or reputed county of Mornington, the description of which lands and tenements are as follow :—

“ Lands and houses situate at Berwick.

“ 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 :—At over Two hundred and fifty pounds per annum.

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

“ JAMES BUCHANAN.”

“ 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 situate in the parish of Carlsruhe and the 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 forty acres, parish of Carlsruhe.

“ 2. Allotment of land and building in King street, in the city of Meltourne.

“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:—

Freehold	About two miles from Kyneton ...	} In excess of £250 a year.
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 WILSON, 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 freehold value of Three thousand pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of
in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“Dwelling place known as Dalquhurn, on the Dandenong road.

“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:—

“At three hundred and thirty 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.

“WILLIAM WILSON.”

ADJOURNMENT.—The Honorable W. Wilson moved, That the House at its rising this day adjourn until Tuesday, the 26th proximo.

Question—put and passed.

The Council adjourned at twenty minutes past Twelve o'clock until Tuesday, the 26th proximo.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 26TH JUNE, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

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

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I recur to your advice and assistance at the earliest period permitted by the arrangements consequent on the retirement of the late Administration.

Notwithstanding hopes and anticipations to the contrary, war has been declared between Russia and Turkey, which in spite of the wisest counsels may ultimately involve Great Britain in hostilities. Under these circumstances, the mission of Sir Wm. Jervois, assisted by Colonel Scratchley, to enquire into and report on the defences of the colony, will prove exceptionally opportune and most valuable. Vigor and promptitude will be displayed on receipt of Sir W. Jervois' report in submitting for your approval proposals to place the colony in a reasonable state of security against possible foreign aggression.

In close connection with this question is the state of telegraphic communication with Europe; every necessary provision will be made for maintaining daily communication, so that intelligence of any change in the situation of affairs may be promptly received.

The responsibility assumed by the State in the matter of Public Instruction necessitates, in the opinion of my Advisers, a thorough enquiry into the order and condition of our educational machinery, with the view of perfecting in organization and administration the original intention of Parliament, and further to ascertain the best and most economic mode of extending State education, and including therein the University of Melbourne. For this purpose a Commission has been issued to a gentleman exceptionally well suited to conduct efficiently such an enquiry, with instructions to report from time to time.

The Report of the Board of Enquiry into the Kew Asylum has disclosed a state of affairs that calls for fundamental alteration in the management of that and kindred institutions.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The Estimates for 1877-8 will be laid before you without delay. They have been framed with a due regard to economy and the requirements of the Public Service.

My Advisers are impressed with the importance of establishing a line of mail steamers *viâ* the Cape of Good Hope, and trust to be placed in a position, at an early date, to submit a definite proposal for your approval.

A revised Tariff, imposing some new duties and repealing others, which it is anticipated will aid and assist manufactures and relieve commerce, is ready for your consideration.

A Land Tax Bill has been prepared, which, whilst fair and equitable in principle as a measure of taxation, has been framed in accordance with the policy approved by the country at the late general election.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The brief period of time at the disposal of my Advisers has been fully utilized in the preparation of measures of paramount importance.

A Railway Construction Bill will be submitted to you, which will appropriate that portion of the late loan available for the purpose. My Advisers regret that the amount is insufficient to meet the wants and requirements of the country. Immediate steps, however, will be taken to ascertain what is requisite in this respect, in order to place the producing interests in all portions of the colony on an equal footing.

The state of the Gold Mining interest, no less than the repeated decisions of the country, renders legislation on the question of Mining on Private Property urgent and imperative. A Bill

will be submitted to you which, it is anticipated, will give reasonable facilities for the search for the precious metals without unnecessarily infringing private rights.

The Regulation of Mines Statute has in many respects proved satisfactory, but defects having been discovered in its operation, a Bill to remedy these, and to amend the Act, will be introduced.

Time and experience have proved the necessity for fresh land legislation, and an Amending Land Bill will be laid before you, increasing the area of selection, and extending the probationary period of occupation. These and other provisions, it is anticipated, will meet the more urgent requirements on this important subject.

The final Report of the Royal Commission appointed to enquire into the position and working of Friendly Societies will soon be placed before you, and a Bill containing the recommendations of that Commission will likewise be presented to you.

Bills embodying important Law Reforms are ready for your consideration, as also for regulating Fire Brigades, for continuing Tolls for a brief period, for amending the Extradition of Criminals Statute and the Harbor Trust Act of 1876.

My Advisers regret that the important subjects of Constitutional and Civil Service Reform cannot be dealt with satisfactorily at present. It is anticipated, however, that the business of the session may be concluded sufficiently early to afford time for the preparation of measures on these important subjects without trenching on the period which it is essential Parliament should be afforded previous to the commencement of a new financial year.

The recent decisive and definite opinion of the country, it is hoped, will aid you in your labors, which I trust will, under the blessing of Divine Providence, conduce to the happiness and prosperity of the people of Victoria.

Melbourne, 26th June, 1877.

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.

DECLARATIONS OF MEMBERS.—The Honorable J. Balfour, N. Fitzgerald, F. Robertson, T. F. Hamilton, Sir C. Sladen, N. Black, Dr. Dobson, H. Cuthbert, and G. F. Belcher, 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, 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 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 Melbourne and Boroondara, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“Land and tenements situated in Little Collins street, Melbourne.

“Land and tenements situated in Little Flinders street, Melbourne.

“Lands situated in the parish of Boroondara.

“And I further declare that such of the said lands and tenements as are situate in the municipal districts of Melbourne and Kew are rated in the rate-books of such municipal districts as follows :—Over Two hundred and fifty pounds per annum.

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

“JAMES BALFOUR.”

“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 value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Castlemaine, in the county or reputed county of Talbot, the description of which lands and tenements are as follow :—

“House and land and business premises situate in Castlemaine.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Castlemaine are rated in the rate-books of such municipal district as follows :—Over Two hundred and fifty pounds per annum.

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

“N. FITZGERALD.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, 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 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 Newham, Edgecomb, Doutta Galla, and Maribyrnong, 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 Edgecomb, one allotment in Maribyrnong, and one allotment in 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, the Keilor road board, and the boroughs of Essendon and Flemington, are rated in the rate-books of such municipal districts as follows :—At over Two hundred and fifty pounds per annum.

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

"FRANCIS ROBERTSON."

"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 full value of Three thousand pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Gisborne, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Section 32, Gisborne, and allotment 29, section 35, same parish; total, seven hundred and forty-nine acres.

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

No. on Roll.	Owner.	Net Annual Rental Value.	Electoral Division.
449	T. F. Hamilton	£165	Division— South Province.
525		135	
		£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.

"THOMAS F. HAMILTON."

"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 parish of Whoorel, in the county or reputed county of Polwarth, the description of which lands and tenements are as follow:—

"The property known as Ripple Vale, lately occupied by myself, and now in the occupation of Mr. James Ford Strachan.

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

"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.

"CHARLES SLADEN."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, NIEL BLACK, 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 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 Terang and Glenormiston, in the county or reputed county of Hampden, the description of which lands and tenements are as follow:—

"Freehold estate of upwards of twelve thousand acres, known as Mount Noorat and the Sisters.

"And I further declare that such of the said lands and tenements as are situate in the municipal district of Hampden are rated in the rate-books of such municipal district as follows:—Over Two hundred and fifty 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.

"NIEL BLACK."

"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 value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Hawthorn, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Houses and land in the borough of Hawthorn.

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

"F. STANLEY DOBSON."

"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 Four 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 :—

“ Freehold land and premises, parish of Cardigan, where I reside.

“ Other freehold land in said parish.

“ Freehold land and premises in the city of Ballarat.

“ Freehold land and premises in the parish of Burrumbeet and land in the parish of Ballarat.

“ 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 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.

“ HENRY CUTHBERT.”

“ 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 value of Seven 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 town of Geelong in the county or reputed county of Grant, the description of which lands and tenements are as follow :—

“ Certain landed property (with buildings erected thereon) at corner of Moorabool and Great Ryrie streets, in the Town of Geelong.

“ And I further declare that such of the said lands and tenements as are situate in the Town of Geelong are rated in the rate-books of such municipal district as follows :—At Seven hundred and forty pounds annual valuation.

“ 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.”

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.

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

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

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

WITNESS Our trusty and well-beloved the Right Honorable JOHN HENRY THOMAS, VISCOUNT CANTERBURY, of the City of Canterbury, in the County of Kent, and Baron Bottesford, of Bottesford, in the County of Leicester, in the Peerage of the United Kingdom of Great Britain and Ireland, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria, &c., &c., &c., at Melbourne, this twenty-eighth day of October, One thousand eight hundred and seventy, and in the thirty-fourth year of Our reign.

(L.S.)

CANTERBURY.

By His Excellency's Command,
JAMES McCULLOCH.

Entered on Record by me, in Register of Patents,
Book 13, page 445, this twenty-eighth day of
October, One thousand eight hundred and
seventy.

W. H. ODGERS.

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

VICTORIA.

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

The Honorable Thomas Turner a'Beckett,
The Honorable Robert Stirling Anderson,
The Honorable Henry Cuthbert,
The Honorable James Balfour,
The Honorable William Highett,
The Honorable Frederick Thomas Sargood, and
The Honorable Sir Charles Sladen,

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

Given under my hand this twenty-sixth day of June 1877.

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

COUNTY COURTS LAW AMENDMENT BILL.—The Honorable W. Wilson, with leave of the Council, moved, without notice, That leave be given to introduce a Bill to amend the Laws relating to County Courts.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable W. Wilson, read a first time, ordered to be printed, and read a second time on the 10th proximo.

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

The Honorable H. Cuthbert 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 H. Cuthbert moved, That such Committee consist of the Honorables Sir C. Sladen, J. Buchanan, R. D. Reid, N. Black, F. Robertson, J. Cumming, Sir S. Wilson, and the Mover.

Debate ensued.

Question—put and passed.

The Committee withdrew to prepare the Address.

The Honorable H. Cuthbert 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 Sir GEORGE FERGUSON BOWEN, 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, and Vice-Admiral of the same, &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 recurring to our advice and assistance at the earliest period permitted by the arrangements consequent on the retirement of the late Administration.

We regret that, notwithstanding hopes and anticipations to the contrary, war has been declared between Russia and Turkey, which in spite of the wisest counsels may ultimately involve Great Britain in hostilities. We are satisfied that, under these circumstances, the mission of Sir Wm. Jervois, assisted by Colonel Scratchley, to enquire into and report on the defences of the colony, will prove exceptionally opportune and most valuable. We are pleased to learn that vigor and promptitude will be displayed on receipt of Sir Wm. Jervois' report in submitting for our approval proposals to place the colony in a reasonable state of security against possible foreign aggression.

We are gratified to hear that every necessary provision will be made for maintaining daily telegraphic communication with Europe, so that intelligence of any change in the situation of affairs may be promptly received.

We observe that, in the opinion of Your Excellency's Advisers, a thorough enquiry into the order and condition of our educational machinery, with the view of perfecting the administration of the same, should be made.

We observe that the report of a Board of Enquiry into the Kew Asylum has disclosed a state of affairs that calls for fundamental alteration in the management of that and kindred institutions.

It affords us satisfaction to know that the brief period of time at the disposal of Your Excellency's Advisers has been fully utilized in the preparation of measures of paramount importance.

We learn with pleasure that a Railway Construction Bill will be submitted to us, which will appropriate the portion of the late loan available for the purpose. We notice that Your Excellency's Advisers regret that the amount is insufficient to meet the wants and requirements of the country; and that immediate steps will be taken to ascertain what is requisite in this respect in order to place the producing interests in all portions of the colony on an equal footing.

We concur in the opinion that legislation on the question of Mining on Private Property is desirable. Any measure brought before us dealing with the subject will receive our best consideration.

We are pleased to find that the Regulation of Mines Statute has in many respects proved satisfactory, and that a Bill to remedy some defects in its operation will be introduced.

We observe that in the opinion of Your Excellency's Advisers fresh land legislation is required. The Bill to be brought before us will receive our careful attention.

We learn with satisfaction that the final Report of the Royal Commission appointed to enquire into the position and working of Friendly Societies will soon be placed before us, and that a Bill containing the recommendations of that Commission will be presented to us.

We observe that Bills embodying important Law Reforms are ready for our consideration, as also for regulating Fire Brigades, for continuing Tolls for a brief period, for amending the Extradition of Criminals Statute and the Harbor Trust Act of 1876, all of which will receive our earnest consideration.

We notice that it is not the intention of Your Excellency's Advisers to deal with the subjects of Constitutional and Civil Service Reform at present.

We concur with Your Excellency in the hope that our labors will, under the blessing of Divine Providence, conduce to the happiness and prosperity of the people.

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

Debate ensued.

Question—put and passed.

The Honorable W. Wilson moved, That the Address be presented to His Excellency the Governor by the President and such Members as may desire to accompany him.

Question—put and passed.

DAYS OF BUSINESS.—The Honorable W. Wilson, 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 W. Wilson, with leave of the Council, moved, without notice, That the Honorables the President, T. T. a'Beckett, C. J. Jenner, Sir C. Sladen, and H. Cuthbert be appointed a Select Committee on the Standing Orders of the House.

Question—put and passed.

PRINTING COMMITTEE.—The Honorable W. Wilson, with leave of the Council, moved, without notice, That the Honorables N. Black, J. Cumming, W. Highett, T. Bromell, and J. A. Wallace 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 W. Wilson, with leave of the Council, moved, without notice, That the Honorables the President, F. T. Sargood, Dr. Dobson, F. Robertson, 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 W. Wilson, with leave of the Council, moved, without notice, That the Honorables the President, Sir Charles Sladen, T. T. a'Beckett, C. J. Jenner, and A. Fraser 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 W. Wilson, with leave of the Council, moved, without notice, That the Honorables T. J. Sumner, T. F. Hamilton, R. Simson, G. F. Belcher, and the Mover, be members of the Joint Committee of both Houses to manage the Refreshment Rooms.

Question—put and passed.

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

Question—put and passed.

PAPER.—The Honorable W. Wilson laid on the Table the following Paper:—

Supreme Court.—Regulæ Generales (9th March, 1877).

Ordered to lie upon the Table.

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

1. Cable Conference.—Report of Proceedings, &c., 1877, held in Sydney.
2. Post Office Savings Bank.—Statement of Accounts, year ending 31st December, 1876.
3. Post Office and Telegraph Department—Report upon—for the year 1876.
4. Land Act 1869—Report of Proceedings taken under the provisions of—during year ending 31st December, 1876.
5. Voidance of Licence under 19th section, Part II, of Land Act 1869, in certain cases.—Order in Council (8th January 1877).
6. Land Act 1869.—Regulation.—Sale and removal of sand.—Order in Council.
7. State Forests Act 1876.—Regulations.—Order in Council (15th May, 1877).
8. Pilot Board—Accounts of—for year ending 31st August, 1876.
9. Import, Export, Transshipment, and Shipping Returns—A General Summary of—with Abstract of Customs Revenue for year 1876, and Abstract Comparative Table, years 1873–6.
10. Ballarat Mining District—Fees for Survey of Tenements in (6th March, 1877).
11. Tramways for Mining Purposes—Leases of Land for (16th April, 1877).
12. Maryborough Mining District—Polling Places for.—Order in Council (22nd January, 1877).
13. Dunolly Reservoir—Mining Operations at.—Order in Council (12th February, 1877).
14. Beechworth and Ballarat Mining District—Polling Places for.—Order in Council (29th January, 1877).
15. Beechworth and Gippsland Mining District—Polling Places for.—Order in Council (15th January, 1877).
16. Spring Gully, Castlemaine—Carrying on Mining Operations in Reservoir at.—Order in Council (6th March, 1877).
17. Mines, Inspector of—Report of, for 1876.
18. Mineral Statistics of Victoria for 1876.
19. Mining Surveyors and Registrars—Reports of, for Quarters ending 31st December 1876 and 31st March 1877.
20. Industrial and Reformatory Schools.—Report of Inspector, 1876.

21. Penal Establishments and Gaols.—Report of Acting Inspector-General for year 1876.
22. Diseases and Deaths in Establishments under charge of Chief Medical Officer, during 1876.
23. Health Officer—Report of, 1876.
24. Sanitary Station—Report of Chief Medical Officer for year 1876.
25. Insane, Hospitals for.—Report of Inspector, 1876.

Ordered severally to lie on the Table.

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

Question—put and passed.

The Council adjourned at half-past five o'clock until half-past four o'clock on Thursday the 28th instant.

ORDER OF THE DAY.

TUESDAY, 10TH JULY, 1877.

ORDER OF THE DAY :—

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

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 28TH JUNE, 1877.

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.

DECLARATIONS OF MEMBERS.—The Honorables J. P. Bear, T. T. a'Beckett, and J. Henty, 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, JOHN PINNEY BEAR, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria, of the value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parishes described hereunder, in the counties or reputed counties of Bourke, Mornington, and Grant, the description of which lands and tenements are as follow :—

“The farm known as ‘Cheverstone,’ near Keilor, about 343 acres of freehold, being allotments C and D of section 18, parish of Doutta Galla, county of Bourke.

“The farm known as ‘Romsey Barton,’ about 280 acres of freehold, near Romsey, in the parish of Lancefield, county of Bourke.

“Freehold, about 236 acres, near the township of Corinella, being portions 17, 18, and 19, parish of Corinella, county of Mornington.

“Freehold near the suburbs of Geelong, about 25 acres, being portion of allotment 42, parish of Moorpanyal, county of Grant.

“And I further declare that such of the said lands and tenements as are situate in the municipal districts above described are rated in the rate-books of such municipal districts as follows :—At over Two hundred and fifty pounds sterling per annum.

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

“J. P. BEAR.”

“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 Four hundred pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Duneed, Pakenham, Nar-nar-Goon, and town of Geelong, in the counties or reputed counties of Grant and Mornington, the description of which lands and tenements are as follow :—

“Freehold land, offices and stores, Brougham place, Geelong.

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

“In excess of Four hundred pounds (£400) 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.

“JAS. HENTY.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, THOMAS TURNER A'BECKETT, 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 county of Bourke, the description of which lands and tenements are as follow :—

“1. Part of allotment 19, block 14, city of Melbourne, in Little Collins street, with buildings thereon, part known as Cottenham Chambers, and part formerly known as the Bishop's Registry.

“2. A part of portion 139, allotment B, of Crown allotment A, portion 144, and of allotment 139A in the parish of Prahran, with dwelling-house and out-buildings erected on the part of portion 139, allotment B, above-mentioned.

“3. Portion of Dendy's special survey, consisting of two acres and a half, one acre having a frontage to Church street, and one acre and a half having frontages to Church street and Well street, on which are erected a dwelling-house and out-buildings.

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

- “1. Rated in the city of Melbourne at £400 per annum.
- “2. Rated in the municipal district of St. Kilda at £300 per annum.
- “3. Rated in the municipal district of Brighton at £115 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.

“THOS. T. A'BECKETT.”

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

1. Victorian Railways.—Report of Board of Land and Works for half-year ending 31st December, 1876.
2. University of Melbourne.—Report of Proceedings for year ending 31st May, 1877.

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 extend the time for the Collection of Tolls,*” with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 28th June, 1877.

TOLLS COLLECTION BILL.—The Honorable W. Wilson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable W. Wilson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable W. Wilson 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. Wilson moved, That the report of the Committee be now adopted.

Question—put and passed.

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

The Honorable W. Wilson moved, That the title of the Bill be “*An Act to extend the time for the Collection of Tolls.*”

Question—put and passed.

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

ROYAL ASSENT TO BILL.—The President informed the Council that he had received a communication from the Private Secretary to His Excellency the Governor, intimating that it is the intention of His Excellency to proceed to the Legislative Council Chamber, this day, to assent to a Bill passed by the Legislative Council and the Legislative Assembly.

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

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

“*An Act to extend the time for the Collection of Tolls.*”

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.

“G. F. BOWEN,
“Governor.”

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

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

ADJOURNMENT.—The Council adjourned at twenty minutes to six o'clock until half-past four o'clock on Tuesday, the 3rd proximo.

ORDER OF THE DAY.

TUESDAY, 10TH JULY, 1877.

ORDER OF THE DAY:—

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

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 3RD JULY, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

REPLY OF HIS EXCELLENCY TO ADDRESS OF THE COUNCIL.—The President announced to the Council that the Address to His Excellency the Governor, in reply to his Speech, adopted on the 26th ultimo, had been presented in accordance with the resolution of the House to His Excellency, and that His Excellency had been pleased to make thereto the following reply :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

I thank you in the name of the Queen for this loyal Address. I look forward with confidence to the results of your deliberations on the important business which will be laid before you, and on your cordial co-operation with the other branches of the Legislature in promoting the general welfare of this community.

G. F. BOWEN.

3rd July, 1877.

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

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

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until half-past four o'clock on Tuesday, the 10th instant.

ORDER OF THE DAY.

TUESDAY, 10TH JULY, 1877.

ORDER OF THE DAY :—

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

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 10TH JULY, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable W. Wilson, by command of His Excellency the Governor, laid on the Table the following Papers :—

Statistical Register of Colony of Victoria—

Part I.—Blue Book.

Part II.—Population.

Part III.—Finance, &c.

Ordered severally to lie on the Table.

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

Question—put and passed.

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

“*County Courts Law Amendment Bill*”—To be read a second time.

The Council adjourned at twenty minutes to five o'clock until half-past four o'clock on Tuesday, the 17th instant.

ORDER OF THE DAY.

TUESDAY, 17TH JULY, 1877.

ORDER OF THE DAY :—

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

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



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TUESDAY, 17TH JULY, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

WRIT—RETURN OF.—SOUTH-WESTERN PROVINCE.—The President announced to the Council that a Writ issued by him for the election of a Member to serve for the South-Western Province in room of the Honorable H. Cuthbert, who had accepted an office of profit under the Crown, had been returned to him, and that the Returning Officer had certified “that Henry Cuthbert was duly elected in pursuance of” the Writ.

SWEARING IN OF MEMBER.—The Honorable Henry Cuthbert 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, 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 Four 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 or reputed counties of Grenville and Ripon, the description of which lands and tenements are as follow :—

“Freehold land and premises, parish of Cardigan, where I reside.

“Other freehold land in said parish.

“Freehold land and premises in the city of Ballarat.

“Freehold land and premises in the parish of Burrumbeet, and land in the parish of Ballarat.

“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 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.

“HENRY CUTHBERT.”

PAPER.—The Honorable H. Cuthbert laid upon the Table the following Paper :—

Yan Yean Water Supply.—Statement of Expenditure under Loan Act No. 531, Section 12, during year ending 30th June, 1877.

Ordered to lie on the Table.

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

1. Exhibition, Sydney, 1876.—Report of Victorian Commissioners.

2. Observatory.—Twelfth Report of Board of Visitors.

3. Naval Defences.—Correspondence (November, 1876 to 3rd July, 1877).

Ordered severally to lie on the Table.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 24th instant :—

“County Courts Law Amendment Bill”—To be read a second time.

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 Seven hundred and ten thousand pounds to the service of the year One thousand eight hundred and seventy-seven and eight,” with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 17th July, 1877.

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

Question—put and passed.

Bill read a first time.

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 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 apply out of the Consolidated Revenue the sum of Seven hundred and ten thousand pounds to the service of the year One thousand eight hundred and seventy-seven and eight.*"

Question—put and passed.

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

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

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

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

"An Act to apply out of the Consolidated Revenue the sum of Seven hundred and ten thousand pounds to the service of the year One thousand eight hundred and seventy-seven and eight."

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.

"G. F. BOWEN,
"Governor."

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

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

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

Question—put and passed.

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

NOTICE OF MOTION AND ORDER OF THE DAY.

TUESDAY, 24TH JULY, 1877.

NOTICE OF MOTION:—

1. The Hon. H. CUTHBERT: To move for leave to introduce a Bill to improve the Jurisdiction and Procedure of the Supreme Court, and for other purposes connected therewith.

ORDER OF THE DAY:—

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

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

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TUESDAY, 24TH JULY, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

DECLARATION OF MEMBER.—The Honorable T. Bromell 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, 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 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 Cavendish, Karrawalla, Karabel, and Mocanger, in the county or reputed county of Dundas, the description of which lands and tenements are as follow:—

“Ten thousand acres, with dwelling-house, wool shed, and appurtenances.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Dundas are rated in the rate-books of such municipal district as follows:—
Over Two hundred and fifty pounds per annum.

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

“THOMAS BROMELL.”

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

Public Library, Museums, &c.—Report of Trustees for the year 1875-6.

Ordered to lie on the Table.

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

Public Works Loan Act, No. 428, and Railway Loan Act 1873, No. 468—Statement of money applied under—during the year 1876-7.

Ordered to lie on the Table.

SUPREME COURT BILL.—The Honorable H. Cuthbert, in accordance with notice, moved for leave to bring in a Bill to improve the Jurisdiction and Procedure of the Supreme Court, and for other purposes connected therewith.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable H. Cuthbert, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 7th proximo.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 7th proximo:—

“*County Courts Law Amendment Bill*”—To be read a second time.

ADJOURNMENT.—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday, the 7th August.

Question—put and passed.

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

ORDERS OF THE DAY.

TUESDAY, 7TH AUGUST, 1877.

ORDERS OF THE DAY :—

1. SUPREME COURT JURISDICTION AND PROCEDURE BILL.—To be read a second time.
2. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.

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

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TUESDAY, 7TH AUGUST, 1877.

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 enable certain lands to be granted to the Corporation of the City of Melbourne for the establishment of a General Market in the said City and for other purposes,*" with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 7th August, 1877.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to sanction the issue and expenditure of certain sums from 'The Public Works Loan Account '1872,' for Salaries, Wages, and Contingencies, for the service of the year ending the thirtieth day of June One thousand eight hundred and seventy-eight,*" with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 24th July, 1877.

MELBOURNE MARKET SITE BILL.—The Honorable W. Wilson, in the absence of the Honorable II 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 W. Wilson, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 14th instant.

PUBLIC WORKS LOAN ACCOUNT APPLICATION BILL.—The Honorable W. Wilson 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 W. Wilson, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 14th instant.

PAPERS.—The Honorable W. Wilson, by command of His Excellency the Governor, laid upon the Table the following Papers:—

1. Statistical Register, Victoria, 1876.—Part IV.—Vital Statistics, &c.
2. Despatches from the Right Honorable the Secretary of State on mission of His Excellency Colonel Sir William Jervois, at request of the Australian Colonies.
3. Land Act 1869.—Fees payable under Sec. 49.—Order in Council (25th June, 1877).
4. Land Act 1869.—Licenses to cut Timber.—Order in Council (3rd July, 1877).
5. Schedule D to 18 & 19 Vict., Cap. 55.—Expenditure under, 1876–7.
6. Lunatic Asylums.—Return of Inspector for six months ending 30th June, 1877.
7. Telegrams, State—Transmission of, to Country Newspapers.—Order in Council (26th July, 1877).
8. Telegraphic Messages.—Extension of Free Delivery of.—Order in Council (3rd July, 1877).
9. Telegraphic Press Messages.—Rates of Charge.—Order in Council (16th July, 1877).
10. Paris Universal Exhibition, 1878—Despatches, &c., concerning.
11. Royal Commission for Paris Exhibition, 1878.—First Report (26th July, 1877).

Ordered severally to lie on the Table.

PAPERS.—The Honorable W. Wilson laid on the Table the following Papers :—

1. Education Act 1872—Regulations under (3rd May, 1877).
2. Instruction, Public—Report of Minister of, for year 1876–7.

Ordered severally to lie on the Table.

PETITION.—The Honorable G. F. Belcher presented a Petition signed by Ellen Burke and others, styling themselves Roman Catholics, resident at Geelong, praying for relief in the matter of Education.

Petition received.

The Petition was read at the Table by the Clerk.

SUPREME COURT JURISDICTION AND PROCEDURE 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.

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

Question—put and passed.

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

ORDERS OF THE DAY.

TUESDAY, 14TH AUGUST, 1877.

ORDERS OF THE DAY :—

1. MELBOURNE MARKET SITE BILL.—To be read a second time.
2. PUBLIC WORKS LOAN ACCOUNT APPLICATION BILL.—To be read a second time.
3. SUPREME COURT JURISDICTION AND PROCEDURE BILL.—To be further considered in Committee.
4. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable R. S. Anderson presented a Petition signed by Michael Kennedy and others, styling themselves Roman Catholics, resident at Mansfield, praying for relief in the matter of Education. Petition received.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to authorize the construction of certain lines of Railway by the State;*” also, a Bill intituled “*An Act to provide for the Regulation and Inspection of Mines;*” and a Bill intituled “*An Act to amend ‘The Waterworks Act 1865,’ and for other purposes;*” with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 14th August, 1877.

RAILWAY CONSTRUCTION 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 Tuesday, the 21st instant.

REGULATION AND INSPECTION OF MINES 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 Tuesday, the 21st instant.

WATERWORKS ACT 1865 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 Tuesday, the 21st instant.

RAILWAY CONSTRUCTION BILL—COMMITTEE ON, AUTHORIZED TO EXAMINE WITNESSES, &c.—The Honorable Sir C. Sladen, with leave of the Council, moved, without notice, That, upon committal of the Railway Construction Bill, the Committee be authorized to examine witnesses and call for papers. Debate ensued.

Question—put and passed.

PETITION.—The Honorable W. Highett presented a Petition, signed by Arthur Woodhouse and others, styling themselves residents in the north and north-eastern suburban districts of Melbourne, and praying that the Railway Construction Bill may be so amended as to cause a railway line to run through the said districts. Petition received.

The Petition was read at the Table by the Clerk.

The Honorable W. Highett moved, That the Petition be referred to the Committee to which the Railway Construction Bill may be referred.

Question—put and passed.

PETITION.—The Honorable Dr. Dobson presented a Petition, signed by F. G. Miles and others, styling themselves residents in the Borough of Brunswick, and praying that the Outer Circle Railway Line may be sanctioned. Petition received.

The Petition was read at the Table by the Clerk.

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

1. Parliament Buildings—First Report of Royal Commission on.
2. Friendly Societies—Final Report of Royal Commission on.

Ordered severally to lie on the Table.

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

Victorian Water Supply—Statement of application of Moneys to, during year ending 30th June, 1877, under Loan Acts 428 and 531.

Ordered to lie on the Table.

MELBOURNE MARKET SITE 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 with amendments.

The Honorable H. Cuthbert moved, That the adoption of the Report be made an Order of the Day for Tuesday next.

Ordered.

PUBLIC WORKS LOAN ACCOUNT APPLICATION 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 sanction the issue and expenditure of certain sums from 'The Public Works Loan Account 1872,' for Salaries, Wages, and Contingencies, for the service of the year ending the thirtieth day of June One thousand eight hundred and seventy-eight.*"

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.

SUPREME COURT JURISDICTION AND PROCEDURE 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 H. Cuthbert moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Ordered.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 21st instant—

"County Courts Law Amendment Bill"—To be read a second time.

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

Question—put and passed.

The Council adjourned at six o'clock until half-past four o'clock on Tuesday, the 21st instant.

ORDERS OF THE DAY.

TUESDAY, 21ST AUGUST, 1877.

ORDERS OF THE DAY :—

1. RAILWAY CONSTRUCTION BILL.—To be read a second time.
2. REGULATION AND INSPECTION OF MINES BILL.—To be read a second time.
3. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.
4. MELBOURNE MARKET SITE BILL.—Adoption of Report.
5. SUPREME COURT JURISDICTION AND PROCEDURE BILL.—Adoption of Report.
6. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. Graham presented a Petition, signed by R. W. K. Martin and others, styling themselves residents at Heidelberg and its neighborhood, and praying that railway accommodation may be provided for them.

Petition received.

PETITION.—The Honorable N. Fitzgerald presented a Petition, signed by J. Fitzpatrick and others, styling themselves Roman Catholics attending the Metropolitan Church, Melbourne, praying for relief in the matter of education.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable N. Fitzgerald presented a similar Petition, signed by J. Keys and others, styling themselves residents at North Fitzroy and North Carlton.

Petition received.

PETITION.—The Honorable J. Cumming presented a Petition, signed by J. Oddie and others, styling themselves inhabitants of the City and Town of Ballarat, in favor of a railway line from Avoca to St. Arnaud.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable N. Fitzgerald presented a similar Petition, signed by J. Robertson and others, styling themselves inhabitants of the Shire of Lexton.

Petition received.

PETITION.—The Honorable N. Fitzgerald presented a similar Petition, signed by J. Henderson and others, styling themselves farmers and residents of the Shires of Avoca and St. Arnaud.

Petition received.

PETITION.—The Honorable R. S. Anderson presented a Petition signed by F. Talas and others, styling themselves selectors and residents in the Waranga Shire, and praying that a railway line may be formed on the western side of the Goulburn River.

Petition received, and, on the motion of the Honorable R. S. Anderson, ordered to be referred to the Committee to which the Railway Construction Bill may be referred.

PETITION.—The Honorable A. Fraser presented a Petition, signed by A. Lowenstein and others, styling themselves members of a Railway League, and praying that a direct line of railway may be made from Maryborough to St. Arnaud.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable G. F. Belcher presented a Petition signed by T. Barrett and others, styling themselves Roman Catholic residents at Duneed, and praying for relief in the matter of education.

Petition received.

PETITION.—The Honorable R. D. Reid presented a Petition, signed by W. H. Swallow and others, styling themselves residents on the eastern side of the Goulburn River, and praying that a railway line may be made on the eastern side of the Goulburn River.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable Sir S. Wilson presented a Petition, signed by W. Read and others, praying for enquiry into the matter of constructing a railway from Avoca.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable J. P. Bear presented a Petition, signed by G. B. Taylor and others, styling themselves residents in the Shire of Boroondara, and praying that evidence may be taken in favor of the Outer Circle Line of Railway.

Petition received, and, on the motion of the Honorable J. P. Bear, ordered to be referred to the Committee to which the Railway Construction Bill may be referred.

PETITION.—The Honorable F. T. Sargood presented a Petition signed by J. Turnbull and others, styling themselves citizens of Melbourne, burgesses of the suburbs, and others, and praying that no line of railway may be sanctioned through the Botanical Gardens at Melbourne.

Petition received.

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

Land Act 1869.—Regulations as to Licenses to cut and remove Timber.—Order in Council.
(6th August 1877.)

Ordered to lie on the Table.

RAILWAY CONSTRUCTION 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 progress, and asked leave to sit again to-morrow.

Ordered.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Wednesday, the 22nd instant—

“*Regulation and Inspection of Mines Bill*”—To be read a second time.

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

MELBOURNE MARKET SITE BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable H. 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 enable certain lands to be granted to the Corporation of the City of Melbourne for the establishment of a General Market in the said City and for other purposes.*”

Question—put and passed.

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

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Tuesday, the 28th instant :—

“*Supreme Court Jurisdiction and Procedure Bill*”—Adoption of Report.

“*County Courts Law Amendment Bill*”—To be read a second time.

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

Question—put and passed.

The Council adjourned at nine o'clock until two o'clock on Wednesday, the 22nd instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 22ND AUGUST, 1877.

Government Business.

NOTICE OF MOTION :—

1. The Hon. HENRY CUTHBERT : To move, That the House sit on Friday next at Two o'clock.

ORDERS OF THE DAY :—

1. RAILWAY CONSTRUCTION BILL.—To be further considered in Committee.
2. REGULATION AND INSPECTION OF MINES BILL.—To be read a second time.
3. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.

General Business.

NOTICE OF MOTION :—

1. The Hon. R. SIMSON : To move, That charts showing the various lines of railway now before this House, as also all competing lines that have been previously proposed and surveyed by the Railway Department—on colored lines—and a table showing the approximate expense of these various lines, be laid on the Table of this House for the information of Honorable Members while discussing the various lines of railway as now scheduled.

TUESDAY, 28TH AUGUST.

ORDERS OF THE DAY :—

1. SUPREME COURT JURISDICTION AND PROCEDURE BILL.—Adoption of Report.
2. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.

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

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WEDNESDAY, 22ND AUGUST, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. Balfour presented a Petition, signed by J. C. Clinch and others, styling themselves residents in the Parish of Jika, and praying that evidence may be taken in favor of the Outer Circle Line of Railway to Oakleigh.
Petition received.

PETITIONS.—The Honorable N. Fitzgerald presented Petitions severally from Roman Catholic residents at Daylesford and at Collingwood, praying for relief in the matter of education.
Petitions received.

RAILWAY CONSTRUCTION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.
The Chairman of Committees reported progress and asked leave to sit again this day.
Ordered.

ATTENDANCE OF MEMBER OF LEGISLATIVE ASSEMBLY REQUESTED.—The Honorable Sir Charles Sladen, with leave of the Council, moved, without notice, That a Message be sent to the Legislative Assembly to request them to give permission to Mr. A. K. Smith, a Member of that House, to attend, if he think fit, and give evidence before the Committee of the Legislative Council, on the subject of the Railway Construction Bill.
Question—put and passed.

PAPER.—The Honorable H. Cuthbert, by command of His Excellency the Governor, presented to the Council the following Paper :—
Health, Central Board of—Seventeenth Report of (17th July 1877).
Ordered to lie on the Table.

RAILWAY CONSTRUCTION BILL.—The Honorable H. Cuthbert moved, That this Bill be now further considered in Committee.
Question—put and passed.
Question—That the President do now leave the Chair—put and passed.
The President left the Chair.
The Chairman of Committees reported progress, and asked leave to sit again to-morrow.
Ordered.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Thursday, the 23RD instant—
“*Regulation and Inspection of Mines Bill*”—To be read a second time.
“*Waterworks Act 1865 Amendment Bill*”—To be read a second time.

RAILWAY LINES, CHARTS, AND APPROXIMATE COST OF CONSTRUCTION.—The Honorable R. Simson, in accordance with notice, moved, That charts showing the various lines of railway now before this House, as also all competing lines that have been previously proposed and surveyed by the Railway Department—on colored lines—and a table showing the approximate expense of these various lines, be laid on the Table of this House for the information of Honorable Members while discussing the various lines of railway as now scheduled.
Question—put and passed.

ADJOURNMENT.—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until two o'clock to-morrow.
Question—put and passed.

The Council adjourned at half-past nine o'clock until two o'clock on Thursday, the 23RD instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 23RD AUGUST, 1877.

NOTICE OF MOTION:—

1. The Hon. HENRY CUTHBERT : To move, That the House sit on Friday next at Two o'clock.

ORDERS OF THE DAY:—

1. RAILWAY CONSTRUCTION BILL.—To be further considered in Committee.
 2. REGULATION AND INSPECTION OF MINES BILL.—To be read a second time.
 3. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.
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TUESDAY, 28TH AUGUST.

ORDERS OF THE DAY:—

1. SUPREME COURT JURISDICTION AND PROCEDURE BILL.—Adoption of Report.
2. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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THURSDAY, 23RD AUGUST, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. Graham presented a Petition, signed by J. F. Corbett and others, styling themselves Roman Catholic residents at St. Kilda, and praying for relief in the matter of education.
Petition received.

PETITIONS.—The Honorable N. Fitzgerald presented, severally, similar Petitions from Roman Catholic residents at Gordons, at Bacchus Marsh, and at Ballan.
Petitions received.

PETITION.—The Honorable J. Balfour presented a Petition from the Town of Hotham, and under the corporate seal thereof, in favor of the Outer Circle Line of Railway.
Petition received.

FRIDAY SITTING.—The Honorable H. Cuthbert, in accordance with notice, moved, That the House sit on Friday next, at two o'clock.
Debate ensued.
Motion, by leave, withdrawn.

RAILWAY CONSTRUCTION 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 Tuesday next.
Ordered.

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

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have given leave to Mr. A. K. Smith, a member of this House, to attend, if he think fit, to be examined as a witness, and give evidence before a Committee of the whole Council, on the Railway Construction Bill.

Legislative Assembly Chamber,
Melbourne, 22nd August, 1877.

C. GAVAN DUFFY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend 'An Act intituled 'An Act to amend the Law relating to Justices of the Peace, and for ' "other purposes,"*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 23rd August, 1877.

C. GAVAN DUFFY,
Speaker.

JUSTICES OF THE PEACE 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 Tuesday, the 28th instant.

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

Statistical Register—Victoria—

Part V.—Production.

Part VI.—Accumulation.

Ordered severally to lie on the Table.

ADJOURNMENT.—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until two o'clock on Tuesday next.

Question—put and passed.

The Council adjourned at a quarter-past ten o'clock until two o'clock on Tuesday, the 28th instant.

ORDERS OF THE DAY.

TUESDAY, 28TH AUGUST 1877.

ORDERS OF THE DAY:—

1. SUPREME COURT JURISDICTION AND PROCEDURE BILL.—Adoption of Report.
2. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.
3. RAILWAY CONSTRUCTION BILL.—To be further considered in Committee.
4. JUSTICES OF THE PEACE ACT AMENDMENT BILL.—To be read a second time.
5. REGULATION AND INSPECTION OF MINES BILL.—To be read a second time.
6. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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TUESDAY, 28TH AUGUST, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable N. Black presented a Petition, signed by John Cameron and others, styling themselves residents in the Shires of Hampden and Mortlake, and praying that a railway line to Camperdown may be sanctioned.

Petition received.

SUPREME COURT JURISDICTION AND PROCEDURE BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable H. 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 improve the Jurisdiction and Procedure of the Supreme Court and for other purposes connected therewith.*"

Question—put and passed.

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

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

"*County Courts Law Amendment Bill*"—To be read a second time.

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

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

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 apply out of the Consolidated Revenue the sum of Seven hundred and fifty thousand pounds to the service of the year One thousand eight hundred and seventy-seven and eight,*" with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 28th August, 1877.

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

Question—put and passed.

Bill read a first time.

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 apply out of the Consolidated Revenue the sum of Seven hundred and fifty thousand pounds to the service of the year One thousand eight hundred and seventy-seven and eight.*"

Question—put and passed.

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

ROYAL ASSENT TO BILLS.—The President informed the Council that he had received a communication from the Private Secretary to His Excellency the Governor, intimating that it is the intention of His Excellency to proceed to the Council Chamber this day, at a quarter past six o'clock, to assent in Her Majesty's name to certain Bills passed by the Legislative Council and the Legislative Assembly.

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

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

"*An Act to sanction the issue and expenditure of certain sums from 'The Public Works Loan Account 1872,' for Salaries, Wages, and Contingencies, for the service of the year ending the thirtieth day of June One thousand eight hundred and seventy-eight.*"

"*An Act to apply out of the Consolidated Revenue the sum of Seven hundred and fifty thousand pounds to the service of the year One thousand eight hundred and seventy-seven and eight.*"

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

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

RAILWAY CONSTRUCTION BILL.—The Honorable H. Cuthbert moved, That this Bill be now further 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.

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

Question—put and passed.

The Council adjourned at six minutes past eleven o'clock until two o'clock on Wednesday, the 29th instant.

ORDERS OF THE DAY.

WEDNESDAY, 29TH AUGUST, 1877.

Government Business.

ORDERS OF THE DAY:—

1. RAILWAY CONSTRUCTION BILL.—To be further considered in Committee.
2. JUSTICES OF THE PEACE ACT AMENDMENT BILL.—To be read a second time.
3. REGULATION AND INSPECTION OF MINES BILL.—To be read a second time.
4. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.

TUESDAY, 4TH SEPTEMBER.

ORDER OF THE DAY:—

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

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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WEDNESDAY, 29TH AUGUST, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

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

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

MR. PRESIDENT—

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

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 29th August, 1877.

LOCAL GOVERNMENT ACT 1874 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 Tuesday the 4th proximo.

PETITION.—The Honorable G. F. Belcher presented a Petition, signed by John Watson and others, styling themselves fishermen at and near Queenscliff, and praying that a line of Railway to Queenscliff may be constructed.

Petition received, and, on the motion of the Honorable G. F. Belcher, referred to the Committee on the Railway Construction Bill.

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

Question—put and passed.

The Council adjourned at half-past ten o'clock until two o'clock on Thursday, the 30th instant.

ORDERS OF THE DAY.

THURSDAY, 30TH AUGUST, 1877.

ORDERS OF THE DAY :—

1. RAILWAY CONSTRUCTION BILL.—To be further considered in Committee.
2. JUSTICES OF THE PEACE ACT AMENDMENT BILL.—To be read a second time.
3. REGULATION AND INSPECTION OF MINES BILL.—To be read a second time.
4. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.

TUESDAY, 4TH SEPTEMBER.

ORDERS OF THE DAY :—

1. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.
2. LOCAL GOVERNMENT ACT 1874 AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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THURSDAY, 30TH AUGUST, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable N. Fitzgerald presented a Petition, signed by Daniel Brophy and others, styling themselves Roman Catholics, resident at Ballarat, and praying for relief in the matter of education.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable N. Fitzgerald presented a similar Petition from Roman Catholic residents at West Melbourne and Hotham.

Petition received.

PETITION.—The Honorable J. Cumming presented a similar Petition from Roman Catholic residents at Ararat.

Petition received.

PETITION.—The Honorable C. J. Jenner presented a similar Petition from Roman Catholic residents at Smythesdale.

Petition received.

PETITION.—The Honorable F. T. Sargood presented a Petition, signed by W. Reynolds and others, styling themselves residents in the north and north-eastern suburban districts of Melbourne, and praying that railway communication may be accorded to them.

Petition received.

PETITION.—The Honorable F. T. Sargood presented a Petition, signed by Joseph Green, styling himself Mayor of Hotham, and Chairman of a public meeting, praying that professional evidence may be taken by the Legislative Council in favour of the railway scheme known as "Millane's," to connect Melbourne with Oakleigh.

Petition received.

The Petition was read at the Table by the Clerk.

RAILWAY CONSTRUCTION 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 left the Chair.

ABSENCE OF THE PRESIDENT.—The President having informed the Clerk of the Council by letter that he was prevented from attending in his place, the Chairman of Committees took the Chair as Deputy President.

RAILWAY CONSTRUCTION BILL.—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the further consideration of this Bill in Committee of the whole Council be made an Order of the Day for Tuesday next.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Tuesday, the 4th instant—

"*Justices of the Peace Act Amendment Bill*"—To be read a second time.

"*Regulation and Inspection of Mines Bill*"—To be read a second time.

"*Waterworks Act 1865 Amendment Bill*"—To be read a second time.

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

Question—put and passed.

The Council adjourned at twenty minutes to seven o'clock, until three o'clock on Tuesday, the 4th proximo.

ORDERS OF THE DAY.

TUESDAY, 4TH SEPTEMBER, 1877.

ORDERS OF THE DAY :—

1. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.
2. LOCAL GOVERNMENT ACT 1874 AMENDMENT BILL.—To be read a second time.
3. RAILWAY CONSTRUCTION BILL.—To be further considered in Committee.
4. JUSTICES OF THE PEACE ACT AMENDMENT BILL.—To be read a second time.
5. REGULATION AND INSPECTION OF MINES BILL.—To be read a second time.
6. WATERWORKS ACT 1865 AMENDMENT 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.

TUESDAY, 4TH SEPTEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable Sir S. Wilson presented a Petition, signed by J. F. Fitzgerald and others, styling themselves Roman Catholic residents at Stawell, and praying for relief in the matter of education.

Petition received.

PETITION.—The Honorable F. T. Sargood presented a Petition from the Corporation of the Melbourne and Hobson's Bay United Railway Company, and under the corporate seal thereof, praying to be heard by counsel against certain provisions in the Railway Construction Bill.

Petition received.

The Honorable F. T. Sargood moved, That the Petition be printed, and be referred to the Committee on the Railway Construction Bill.

Question—put and passed.

PETITION.—The Honorable W. Campbell presented a Petition, signed by T. W. Backhaus and others, styling themselves Roman Catholic residents at Sandhurst, and praying for relief in the matter of education.

Petition received.

PETITION.—The Honorable H. Cuthbert presented a Petition from the Shire of Gardiner, and under the corporate seal thereof, praying for railway accommodation in the said Shire.

Petition received.

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

“ *County Courts Law Amendment Bill* ”—To be read a second time.

“ *Local Government Act 1874 Amendment Bill* ”—To be read a second time.

RAILWAY CONSTRUCTION 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 Tuesday, the 11th instant :—

“ *County Courts Law Amendment Bill* ”—To be read a second time.

LOCAL GOVERNMENT ACT 1874 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.

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 progress, and asked leave to sit again on Tuesday next.
Ordered.

JUSTICES OF THE PEACE ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. S. Anderson moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. S. Anderson 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 R. S. Anderson, was read a third time and *passed*.

The Honorable R. S. Anderson moved, That the title of the Bill be "*An Act to amend an Act intituled 'An Act to amend the Law relating to Justices of the Peace 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.

REGULATION AND INSPECTION OF MINES 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 progress and asked leave to sit again to-morrow.

Ordered.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to enable certain Lands to be granted to the Corporation of the City of Melbourne for the establishment of a General Market in the said City and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 4th September, 1877.

C. GAVAN DUFFY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to validate certain payments heretofore made out of moneys raised under the Public Works Loan Act of 1868, the Public Works Loan Act 1872, and the Railway Loan Act 1876,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 4th September, 1877.

C. GAVAN DUFFY,
Speaker.

PUBLIC WORKS LOAN EXPENDITURE VALIDATING 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 Tuesday next.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 5th instant :—

"*Waterworks Act 1865 Amendment Bill*"—To be read a second time.

The Council adjourned at half-past six o'clock until half-past four o'clock on Wednesday, the 5th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 5TH SEPTEMBER, 1877.

Government Business.

ORDERS OF THE DAY :—

1. RAILWAY CONSTRUCTION BILL.—To be further considered in Committee.
2. REGULATION AND INSPECTION OF MINES BILL.—To be further considered in Committee.
3. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.

General Business.

NOTICES OF MOTION :—

1. The Hon. SIR C. SLADEN : To move, That a Return be furnished to this House containing information on the subject of the lands of the Colony, under the following heads :—
 - (1.) The total number of landed proprietors in Victoria on the 1st day of January, 1877, whose land is situated elsewhere than in any city, town, or borough, distinguishing those holding in fee-simple from those holding under lease or license from the Crown, as to which the lessee or licensee respectively has any right, absolute or conditional, of acquiring the fee-simple.
 - (2.) The total number of persons holding landed estates of which severally the capital value is in excess of £2500.
 - (3.) The acreage of all land liable to be taxed under the provisions of the Bill "To impose a Land Tax" now before Parliament, classified as follows :—
 - a. Land of the 1st class, capable of carrying two sheep or more to the acre.
 - b. Land of the 2nd class, capable of carrying three sheep to two acres and less than two sheep to the acre.
 - c. Land of the 3rd class, capable of carrying one sheep to the acre and less than three sheep to two acres.
 - d. Land of the 4th class, not capable of carrying one sheep to the acre.
Distinguishing under each of the four classes the land held in fee-simple from that held under lease, &c.
 - e. The rateable and the annual value of the aggregate acreage of each of the said classes of land, liable to taxation as above.
 - f. The rateable and the annual value of the aggregate acreage of the land proposed to be exempted from taxation.
2. The Hon. R. SIMSON : To move for a Return showing the number and extent of all estates proposed to be taxed by the proposed Land Tax Bill now before Parliament, and the amount for which each of these estates is encumbered by registered mortgage as shown in the Registrar-General's Department ; and that the Return asked for be laid on the Table of this House prior to the consideration of the said Bill by the Legislative Council.

TUESDAY, 11TH SEPTEMBER.

ORDERS OF THE DAY :—

1. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.
2. LOCAL GOVERNMENT ACT 1874 AMENDMENT BILL.—To be further considered in Committee.
3. PUBLIC WORKS LOAN EXPENDITURE VALIDATING 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.

WEDNESDAY, 5TH SEPTEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable C. J. Jenner presented a Petition, signed by P. Donaher and others, styling themselves Roman Catholic residents at Colac, and praying for relief in the matter of education.
Petition received.

PETITION.—The Honorable R. Simson presented a similar Petition from Roman Catholic residents at Coleraine.
Petition received.

PETITION.—The Honorable A. Fraser presented a similar Petition from Roman Catholic residents at Clunes.
Petition received.

PETITION.—The Honorable N. Black presented a similar Petition from Roman Catholic residents at Hamilton.
Petition received.

RAILWAY CONSTRUCTION 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 Tuesday next.
Ordered.

REGULATION AND INSPECTION OF MINES 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.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 11th instant :—
“*Waterworks Act 1865 Amendment Bill*”—To be read a second time.

LAND PROPRIETORS, AND ACREAGE VALUE OF LANDS.—The Honorable Sir C. Sladen, in accordance with notice, moved, That a Return be furnished to this House containing information on the subject of the lands of the Colony, under the following heads :—

- (1.) The total number of landed proprietors in Victoria on the 1st day of January, 1877, whose land is situated elsewhere than in any city, town, or borough, distinguishing those holding in fee-simple from those holding under lease or license from the Crown, as to which the lessee or licensee respectively has any right, absolute or conditional, of acquiring the fee-simple.
- (2.) The total number of persons holding landed estates of which severally the capital value is in excess of £2500.
- (3.) The acreage of all land liable to be taxed under the provisions of the Bill “To impose a Land Tax” now before Parliament, classified as follows :—
 - a. Land of the 1st class, capable of carrying two sheep or more to the acre.
 - b. Land of the 2nd class, capable of carrying three sheep to two acres and less than two sheep to the acre.
 - c. Land of the 3rd class, capable of carrying one sheep to the acre and less than three sheep to two acres.
 - d. Land of the 4th class, not capable of carrying one sheep to the acre.
Distinguishing under each of the four classes the land held in fee-simple from that held under lease, &c.
 - e. The rateable and the annual value of the aggregate acreage of each of the said classes of land, liable to taxation as above.
 - f. The rateable and the annual value of the aggregate acreage of the land proposed to be exempted from taxation.

Debate ensued.

Question—put and passed.

ADJOURNMENT.—The Honorable H. Cuthbert, 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 seven o'clock until half-past four o'clock on Tuesday, the 11th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 11TH SEPTEMBER, 1877.

NOTICES OF MOTION :—

1. The Hon. R. SIMSON : To move, That the Postmaster-General lay on the Table of this House, on the next day of meeting, Traffic Circular No. 114/77, showing the alterations made for conveyance of live stock to the various Exhibitions of Stock in this Colony.
2. The Hon. R. SIMSON : To move for a Return showing the number and extent of all estates proposed to be taxed by the proposed Land Tax Bill now before Parliament, and the amount for which each of these estates is encumbered by registered mortgage as shown in the Registrar-General's Department ; and that the Return asked for be laid on the Table of this House prior to the consideration of the said Bill by the Legislative Council.

ORDERS OF THE DAY :—

1. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.
2. LOCAL GOVERNMENT ACT 1874 AMENDMENT BILL.—To be further considered in Committee.
3. PUBLIC WORKS LOAN EXPENDITURE VALIDATING BILL.—To be read a second time.
4. RAILWAY CONSTRUCTION BILL.—To be further considered in Committee.
5. REGULATION AND INSPECTION OF MINES BILL.—To be further considered in Committee.
6. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 11TH SEPTEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable F. Robertson presented a Petition, signed by Michael Quinlan and others, styling themselves Roman Catholic residents at Kilmore, praying for relief in the matter of education.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable R. D. Reid presented a similar Petition from Roman Catholic residents at Tarraville.

Petition received.

PETITION.—The Honorable H. Cuthbert presented a similar Petition from Roman Catholic residents at Anakie, Darriwil, Elaine, Lethbridge, Meredith, and Steiglitz.

Petition received.

PETITIONS.—The Honorable W. Campbell presented similar Petitions from Kyneton, from Malmesbury and Taradale, from Tylden, from Woodend, and from Redesdale.

Petitions received.

TRAFFIC CIRCULAR RESPECTING CONVEYANCE OF LIVE STOCK.—The Honorable R. Simson, in accordance with notice, moved, That the Postmaster-General lay on the Table of this House, on the next day of meeting, Traffic Circular No. 114/77, showing the alterations made for conveyance of live-stock to the various Exhibitions of Stock in this colony.

Debate ensued.

Question—put and passed.

ESTATES PROPOSED TO BE TAXED AND ENCUMBRANCES THEREON.—The Honorable R. Simson, in accordance with notice, moved for a Return showing the number and extent of all estates proposed to be taxed by the proposed Land Tax Bill now before Parliament, and the amount for which each of these estates is encumbered by registered mortgage as shown in the Registrar General's Department; and that the Return asked for be laid on the Table of this House prior to the consideration of the said Bill by the Legislative Council.

Debate ensued.

Motion, by leave, withdrawn.

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

“*County Courts Law Amendment Bill*”—To be read a second time.

“*Local Government Act 1874 Amendment Bill*”—To be further considered in Committee.

“*Public Works Loan Expenditure Validating Bill*”—To be read a second time.

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

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

Ordered.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to impose a Land Tax,*” with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, September, 1877

LAND TAX 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 Wednesday, the 12th instant.

PETITION.—The Honorable J. P. Bear presented a Petition, signed by M. Carey and others, styling themselves Roman Catholic residents at Brighton, and praying for relief in the matter of education.

Petition received.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Wednesday, the 12th instant :—

“*County Courts Law Amendment Bill*”—To be read a second time.

“*Local Government Act 1874 Amendment Bill*”—To be further considered in Committee.

“*Public Works Loan Expenditure Validating Bill*”—To be read a second time.

“*Regulation and Inspection of Mines Bill*”—To be further considered in Committee.

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

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

ORDERS OF THE DAY.

WEDNESDAY, 12TH SEPTEMBER, 1877.

Government Business.

ORDERS OF THE DAY :—

1. RAILWAY CONSTRUCTION BILL.—To be further considered in Committee.
2. LAND TAX BILL.—To be read a second time.
3. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.
4. LOCAL GOVERNMENT ACT 1874 AMENDMENT BILL.—To be further considered in Committee.
5. PUBLIC WORKS LOAN EXPENDITURE VALIDATING BILL.—To be read a second time.
6. REGULATION AND INSPECTION OF MINES BILL.—To be further considered in Committee.
7. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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WEDNESDAY, 12TH SEPTEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable A. Fraser presented a Petition, signed by M. C. Carey and others, styling themselves Roman Catholics, resident at St. Arnaud and Kara Kara, and praying for relief in the matter of education.

Petition received.

PETITION.—The Honorable Sir S. Wilson presented a similar Petition from Roman Catholics resident at Terang.

Petition received.

PETITION.—The Honorable F. Robertson presented a similar Petition from Roman Catholic residents at Creswick.

Petition received.

PETITION.—The Honorable H. Cuthbert presented a similar Petition from Roman Catholic residents at Warrnambool.

Petition received.

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

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

Ordered.

LAND TAX BILL.—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the second reading of the Land Tax Bill be made an Order of the Day for Wednesday, the 26th instant.

Question—put and passed.

RAILWAY CONSTRUCTION BILL.—The Honorable H. Cuthbert moved, That this Bill be now further considered in Committee.

Question—put and passed.

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

The President left the Chair.

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

Ordered.

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

ORDERS OF THE DAY.

THURSDAY, 13TH SEPTEMBER, 1877.

ORDERS OF THE DAY :—

1. RAILWAY CONSTRUCTION BILL.—To be further considered in Committee.
2. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.
3. LOCAL GOVERNMENT ACT 1874 AMENDMENT BILL.—To be further considered in Committee.
4. PUBLIC WORKS LOAN EXPENDITURE VALIDATING BILL.—To be read a second time.
5. REGULATION AND INSPECTION OF MINES BILL.—To be further considered in Committee.
6. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.

WEDNESDAY, 26TH SEPTEMBER.

Government Business.

ORDER OF THE DAY :—

1. LAND TAX BILL.—To be read second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
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LEGISLATIVE COUNCIL.

THURSDAY, 13TH SEPTEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

RAILWAY CONSTRUCTION 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 Tuesday next.

Ordered.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 18TH SEPTEMBER, 1877.

NOTICE OF MOTION:—

1. The Hon. W. HIGHETT: To move, That a Return be laid on the Table of this House showing the number of electors for the Legislative Council on the roll for each electoral province, distinguishing those who are Ratepayers from those on the General Roll.

ORDERS OF THE DAY:—

1. RAILWAY CONSTRUCTION BILL.—To be further considered in Committee.
 2. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.
 3. LOCAL GOVERNMENT ACT 1874 AMENDMENT BILL.—To be further considered in Committee.
 4. PUBLIC WORKS LOAN EXPENDITURE VALIDATING BILL.—To be read a second time.
 5. REGULATION AND INSPECTION OF MINES BILL.—To be further considered in Committee.
 6. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.
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WEDNESDAY, 26TH SEPTEMBER.

Government Business.

ORDER OF THE DAY:—

1. LAND TAX 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, 18TH SEPTEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable F. Robertson presented a Petition signed by M. Kelly and others, styling themselves Roman Catholic residents at Castlemaine, and praying for relief in the matter of education.
Petition received.

TRAFFIC CIRCULAR RESPECTING CONVEYANCE OF LIVE STOCK.—The Honorable H. Cuthbert laid on the Table a Return to the Order of the Council, made on the 11th instant.

PAPER.—The Honorable H. Cuthbert laid on the Table the following Paper :—
Fisheries Act 1873.—Notice in *Government Gazette* of intention to substitute one weight for another respecting gar-fish.
Ordered to lie on the Table.

ELECTORS IN PROVINCES.—The Honorable W. Highett, in accordance with notice, moved, That a Return be laid on the Table of this House, showing the number of Electors for the Legislative Council on the roll for each electoral province, distinguishing those who are Ratepayers from those on the General Roll.

Question—put and passed.

RAILWAY CONSTRUCTION BILL.—EVIDENCE AT THE BAR.—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the evidence taken at the Bar of the House, in Committee of the whole Council, be printed.

Question—put and passed.

RAILWAY CONSTRUCTION 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 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 25th instant :—
“*County Courts Law Amendment Bill*”—To be read a second time.

LOCAL GOVERNMENT ACT 1874 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 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 further amend ‘The Local Government Act 1874.’*”

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.

PUBLIC WORKS LOAN EXPENDITURE VALIDATING 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 validate certain payments heretofore made out of moneys raised under ‘The Public Works Loan Act of 1868,’ ‘The Public Works Loan Act 1872,’ and ‘The Railway Loan Act 1876.’*”

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.

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

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

Ordered.

The Council adjourned at twenty minutes to seven o'clock until half-past four o'clock on Wednesday, the 19th instant.

ORDERS OF THE DAY.

WEDNESDAY, 19TH SEPTEMBER, 1877.

Government Business.

ORDERS OF THE DAY:—

1. RAILWAY CONSTRUCTION BILL.—Adoption of Report.
2. REGULATION AND INSPECTION OF MINES BILL.—To be further considered in Committee.
3. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.

TUESDAY, 25TH SEPTEMBER.

ORDER OF THE DAY:—

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

WEDNESDAY, 26TH SEPTEMBER.

Government Business.

ORDER OF THE DAY:—

1. LAND TAX 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.

WEDNESDAY, 19TH SEPTEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ELECTORS IN PROVINCES.—The Honorable H. Cuthbert laid on the Table a Return to the Order of the Council, made on the 18th instant.

RAILWAY CONSTRUCTION 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.

Question—put and passed.

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

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

The President left the Chair.

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

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

Question—put and passed.

The Honorable H. Cuthbert moved, That the third reading of the Bill be made an Order of the Day for the next day of meeting of the Council.

Question—put and passed.

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

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

The Honorable A. Fraser moved, That the 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 progress, and asked leave to sit again on the next day of meeting of the Council.

Ordered.

ELECTORS IN PROVINCES.—The Honorable W. Highett, with leave of the Council, moved, without notice, That the Return laid on the Table of the House this day be printed.

Question—put and passed.

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

Question—put and passed.

The Council adjourned at half-past seven o'clock until half-past four o'clock on Wednesday, the 26th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 26TH SEPTEMBER, 1877.

Government Business.

ORDERS OF THE DAY:—

1. LAND TAX BILL.—To be read a second time.
2. RAILWAY CONSTRUCTION BILL.—To be read a third time.
3. REGULATION AND INSPECTION OF MINES BILL.—To be further considered in Committee.
4. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.
5. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.

General Business.

NOTICE OF MOTION:—

1. The Hon. Sir C. SLADEN: To move for leave to introduce a Bill for amending "*The Police Offences Statute 1865.*"

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 23.

Minutes of the Proceedings

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LEGISLATIVE COUNCIL.

WEDNESDAY, 26TH SEPTEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable N. Fitzgerald presented a Petition, signed by T. Roche and others, styling themselves Roman Catholic residents at and near Echuca, and praying for relief in the matter of education.

Petition received.

PAPERS.—The Honorable H. Cuthbert laid on the Table certain “Abstracts of Returns furnished by Shire Councils as to properties over 640 acres within the several shires” with memoranda attached thereto. Ordered to lie on the Table.

LAND TAX 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.

Amendment moved by the Honorable Sir C. Sladen, That all the words after the word “That” be omitted, with a view to insert the following words instead thereof:—

“Whereas the Bill contains provisions for the creation of a tribunal, with unusual powers, including that of fining and imprisonment, without the customary safeguards for the proper and lawful exercise of such powers;

“And whereas some of those powers authorize an interference with the liberty of the subject;

“And whereas under the 1st section of the Constitution Act the Legislative Council are given equal power with the Legislative Assembly ‘in making laws in and for Victoria in all cases whatsoever’;

“And whereas this power of the Council is qualified by the 56th section of the said Act, and the Council are thereby prohibited from altering, although they may reject Bills for appropriating any part of the revenue, and for imposing any duty, rate, or tax;

“And whereas in legislation of so grave a character as to deprive any man of his liberty, the Legislative Council not only have the right to exercise a free, separate, and deliberate vote, but it is incumbent on them to maintain that right as a duty they owe to the Constitution;

“And whereas, having for its object the imposition of a tax, the Bill is one which, by the 56th section of the said Act, the Council may reject but cannot alter, and therefore they are precluded from dealing with other matters contained in the same Bill in such a manner as to give effect to their deliberate judgment;

“Therefore this Bill be laid aside.”

Debate ensued.

The Honorable F. T. Sargood moved, That the debate be adjourned until to-morrow.

Question—put and passed.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 27TH SEPTEMBER, 1877.

NOTICE OF MOTION:—

1. The Hon. Sir C. SLADEN: To move for leave to introduce a Bill for amending "*The Police Offences Statute 1865.*"

ORDERS OF THE DAY:—

1. LAND TAX BILL.—To be read a second time.
2. RAILWAY CONSTRUCTION BILL.—To be read a third time.
3. REGULATION AND INSPECTION OF MINES BILL.—To be further considered in Committee.
4. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.
5. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 27TH SEPTEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Telegraph Cables.—Correspondence concerning Evidence of Mr. Audley Coote at a Conference in Sydney in 1875.
2. Telegraph Cable viâ United States—Correspondence concerning.
3. Land Act 1869—Regulations concerning occupation of Sale Municipal Common under 49th section.—Order in Council (13th September, 1877).

Ordered severally to lie on the Table.

LAND TAX BILL.—The Order of the Day for the resumption of the debate on the question,—“That this Bill be now read a second time,” and the amendment moved thereon,—“That all the words after the word ‘That’ be omitted, with a view to insert the following words instead thereof:—

“Whereas the Bill contains provisions for the creation of a tribunal, with unusual powers, including that of fining and imprisonment, without the customary safeguards for the proper and lawful exercise of such powers;

“And whereas some of those powers authorize an interference with the liberty of the subject;

“And whereas under the 1st section of the Constitution Act the Legislative Council are given equal power with the Legislative Assembly ‘in making laws in and for Victoria in all cases whatsoever’;

“And whereas this power of the Council is qualified by the 56th section of the said Act, and the Council are thereby prohibited from altering, although they may reject Bills for appropriating any part of the revenue, and for imposing any duty, rate, or tax;

“And whereas in legislation of so grave a character as to deprive any man of his liberty, the Legislative Council not only have the right to exercise a free, separate, and deliberate vote, but it is incumbent on them to maintain that right as a duty they owe to the Constitution;

“And whereas, having for its object the imposition of a tax, the Bill is one which, by the 56th section of the said Act, the Council may reject but cannot alter, and therefore they are precluded from dealing with other matters contained in the same Bill in such a manner as to give effect to their deliberate judgment;

“Therefore this Bill be laid aside,”—

being read—the debate was resumed.

The Honorable Sir S. Wilson moved, That the debate be adjourned until the next day of meeting.

Question—put and passed.

The Council adjourned at a quarter past eleven o'clock until half-past four o'clock on Tuesday, the 2nd proximo.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 2ND OCTOBER, 1877.

NOTICE OF MOTION:—

1. The Hon. Sir C. SLADEN : To move for leave to introduce a Bill for amending "*The Police Offences Statute 1865.*"

ORDERS OF THE DAY:—

1. LAND TAX BILL.—Adjourned debate on second reading.
2. RAILWAY CONSTRUCTION BILL.—To be read a third time.
3. REGULATION AND INSPECTION OF MINES BILL.—To be further considered in Committee.
4. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.
5. COUNTY COURTS LAW AMENDMENT 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.

TUESDAY, 2ND OCTOBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

POLICE OFFENCES STATUTE 1865 AMENDMENT BILL.—The Honorable Sir C. Sladen, in accordance with notice, moved for leave to bring in a Bill for amending “*The Police Offences Statute 1865.*”

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Sir C. Sladen, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 16th instant.

LAND TAX BILL.—The Order of the Day for the resumption of the debate on the question,—“That this Bill be now read a second time,” and the amendment moved thereon,—“That all the words after the word ‘That’ be omitted, with a view to insert the following words instead thereof:—

“Whereas the Bill contains provisions for the creation of a tribunal, with unusual powers, including that of fining and imprisonment, without the customary safeguards for the proper and lawful exercise of such powers;

“And whereas some of those powers authorize an interference with the liberty of the subject;

“And whereas under the 1st section of the Constitution Act the Legislative Council are given equal power with the Legislative Assembly ‘in making laws in and for Victoria in all cases whatsoever’;

“And whereas this power of the Council is qualified by the 56th section of the said Act, and the Council are thereby prohibited from altering, although they may reject Bills for appropriating any part of the revenue, and for imposing any duty, rate, or tax;

“And whereas in legislation of so grave a character as to deprive any man of his liberty, the Legislative Council not only have the right to exercise a free, separate, and deliberate vote, but it is incumbent on them to maintain that right as a duty they owe to the Constitution;

“And whereas, having for its object the imposition of a tax, the Bill is one which, by the 56th section of the said Act, the Council may reject but cannot alter, and therefore they are precluded from dealing with other matters contained in the same Bill in such a manner as to give effect to their deliberate judgment;

“Therefore this Bill be laid aside,”—

being read—the debate was resumed.

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

Council divided.

Contents, 16.

The Hon. H. Cuthbert
R. S. Anderson
W. Wilson
T. J. Sumner
G. W. Cole
C. J. Jenner
J. Balfour
G. F. Belcher
R. D. Reid
T. F. Hamilton
J. Buchanan
F. Robertson
J. A. Wallace
A. Fraser
J. Henty
T. T. a'Beckett (*Teller*).

Not Contents, 11.

The Hon. J. P. Bear
W. Highett
T. Bromell
J. Cumming
Sir S. Wilson
R. Simson
Dr. Dobson
J. Graham
W. Campbell
N. Black
Sir C. Sladen (*Teller*).

The question was therefore passed.

Question—That the Bill be now read a second time—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 of the Committee be now adopted.

Question—put and passed.

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

Question—put and passed.

The Council adjourned at a quarter to seven o'clock until half-past four o'clock on Wednesday, the 3rd instant.

ORDERS OF THE DAY.

WEDNESDAY, 3RD OCTOBER, 1877.

1. The Hon. J. P. BEAR: To ask the Honorable the Postmaster-General if the Government intend, during the present session, to introduce a Bill providing for the levying of differential rates on separate ridings of shires.

Government Business.

ORDERS OF THE DAY:—

1. LAND TAX BILL.—To be read a third time.
2. RAILWAY CONSTRUCTION BILL.—To be read a third time.
3. REGULATION AND INSPECTION OF MINES BILL.—To be further considered in Committee.
4. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.
5. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.

TUESDAY, 16TH OCTOBER.

ORDER OF THE DAY:—

1. POLICE OFFENCES STATUTE 1865 AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 3RD OCTOBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

Amendment moved by the Honorable Sir C. Sladen, That all the words after the word "That" be omitted, with a view to insert the following words instead thereof: "this Bill is unjust—

"Because, not like the Income Tax of the United Kingdom which, whilst the needy few are excepted from its incidence, is diffused generally over the large majority, this Tax seeks out invidiously a few of the more wealthy from the whole mass of proprietors of real estate, and makes them bear exclusively the burden which ought to have been distributed equitably over all:

"Because, in addition to the annual tax charged upon the land, a corresponding depreciation of the capital value of such land must necessarily ensue, which will be attended with no benefit or advantage to the State, but is an irreparable loss to the proprietor:

"Because, in imposing a Land Tax, the effect of which is to depreciate the capital value of the land taxed, all lands should have been brought into the same category, and all subjected to the same rateable charge; but the present tax means the spoliation of a few:

"Because the tax being imposed ostensibly for accomplishing two distinct objects, viz., to reduce the inequality of taxation, and to destroy large estates, the Bill does not accomplish the former, but rather aggravates the inequality; whilst as regards the latter, the proprietors not having offended against the law, but having acquired property only under the sanction and encouragement of the law, are made the victims of retrospective legislation:

"Because the tendency of such legislation is to demoralize the country, and to make the large majority, viz., those exempted from the tax, indifferent to the just rights of the minority:

"Because even the warmest supporters of the measure admit its injustice, and condemn the provisions for carrying it into effect:

"And therefore that it be rejected."

Debate ensued.

Question—That the words proposed to be omitted stand part of the 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 was read a third time and *passed*.

The Honorable H. Cuthbert moved, That the title of the Bill be "*An Act to impose a Land Tax.*"

Question—put and passed.

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

RAILWAY CONSTRUCTION BILL.—The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Honorable H. Cuthbert moved, That the Bill be now read a third time.

The Honorable Sir C. Sladen moved, That the word "west" in the sixth line of sub-section 1 of clause 3 be struck out, with a view to insert the word "north" instead thereof.

Question—That the word "west" be struck out—put and passed.

Question—That the word "north" proposed to be inserted be so inserted—put and passed.

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

Bill read a third time.

Question—That the Bill do now *pass*—put and passed.

The Honorable H. Cuthbert moved, That the title of the Bill be "*An Act to authorize the construction of certain lines of Railway by the State.*"

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.

REGULATION AND INSPECTION OF MINES 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 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 a further amendment.

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

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act intituled 'An Act to give additional powers to the National Insurance Company of Australasia ' Limited,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 3rd October, 1877.

C. GAVAN DUFFY,
Speaker.

AUSTRALASIA NATIONAL INSURANCE COMPANY BILL.—The Honorable F. T. Sargood moved, That the first reading of this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

The Honorable F. T. Sargood 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 taken before a Select Committee of the Legislative Assembly during the present session on the Bill.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Tuesday, the 9th instant :—

"*Waterworks Act 1865 Amendment Bill*"—To be read a second time.

"*County Courts Law Amendment Bill*"—To be read a second time.

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

Question—put and passed.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 9TH OCTOBER, 1877.

1. The Hon. J. P. BEAR: To ask the Honorable the Postmaster-General if the Government intend, during the present session, to introduce a Bill providing for the levying of differential rates on separate ridings of shires.

NOTICE OF MOTION :—

1. The Hon. R. S. ANDERSON: To move for a return showing the Money Bills rejected, or laid aside, or not proceeded with by this House since the 16th October, 1867, with the reasons (if any) given for the decision arrived at; also of Money Bills amended by the Legislative Council during the same period; also of Bills incidentally involving taxation amended by the Council during the same period, distinguishing the Bills in which a free-gift Preamble was used from those introduced with the ordinary Preamble.

ORDERS OF THE DAY :—

1. REGULATION AND INSPECTION OF MINES BILL.—Adoption of Report.
2. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a second time.
3. COUNTY COURTS LAW AMENDMENT BILL.—To be read a second time.
4. AUSTRALASIA NATIONAL INSURANCE COMPANY BILL.—To be read a first time.

TUESDAY, 16TH OCTOBER.

ORDER OF THE DAY :—

1. POLICE OFFENCES STATUTE 1865 AMENDMENT BILL.—To be read a second time.

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

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TUESDAY, 9TH OCTOBER, 1877.

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 Message from His Excellency the Governor recommending an amendment in the Bill intituled "*An Act to impose a Land Tax,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 9th October, 1877.

G. F. BOWEN,
Governor.

In pursuance of section 36 of the Constitution Act the Governor transmits to the Legislative Assembly the following amendment which he recommends to be made in the Land Tax Bill, which has been presented to him for Her Majesty's assent :—

Clause 28, line 4, the word "sixth" to be struck out and the word "fifth" to be substituted in lieu thereof.

Government Offices,
Melbourne, 9th October, 1877.

LAND TAX BILL.—The Honorable H. Cuthbert moved, That this House do concur with the Legislative Assembly in making the amendment recommended by His Excellency the Governor in the Bill intituled "*An Act to impose a Land Tax.*"

Debate ensued.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendment recommended by His Excellency the Governor 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 transmit to the Legislative Council copies of the Report and Proceedings from the Select Committee of the Legislative Assembly appointed during the present session on the Bill intituled "*An Act to give additional powers to the National Insurance Company of Australasia Limited, and for other purposes,*" in accordance with the request of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 9th October, 1877.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act for awarding costs in certain cases of Private Bills, and for the Taxation of Costs awarded by Committees of the Legislative Council and Legislative Assembly respectively,*" with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 9th October, 1877.

PARLIAMENTARY COSTS 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 Tuesday, the 16th instant.

PETITIONS.—The Honorable N. Fitzgerald presented Petitions severally from Roman Catholic residents at Belfast, at Emerald Hill, and at Richmond, Hawthorn, Kew, and Nunawading, praying for relief in the matter of education.

Petitions received.

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

Aborigines—Thirteenth Report of Board for Protection of.

Ordered to lie on the Table.

ROYAL ASSENT TO BILLS.—The President announced to the Council that he had received a communication from the Private Secretary to His Excellency the Governor, intimating that it is the intention of His Excellency to proceed to the Legislative Council Chamber on Wednesday, the 10th instant, at a quarter past six o'clock, to assent, in Her Majesty's name, to certain Bills passed by the Legislative Council and the Legislative Assembly.

ADJOURNMENT.—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until six o'clock on Thursday next.

Question—put and passed.

MONEY BILLS AND BILLS INCIDENTALLY INVOLVING TAXATION, ETC.—The Honorable F. T. Sargood, in the absence and on behalf of the Honorable R. S. Anderson, moved for a Return showing the Money Bills rejected, or laid aside, or not proceeded with by this House since the 16th October, 1867, with the reasons (if any) given for the decision arrived at; also of Money Bills amended by the Legislative Council during the same period; also of Bills incidentally involving taxation amended by the Council during the same period, distinguishing the Bills in which a free-gift Preamble was used from those introduced with the ordinary Preamble.

Question—put and passed.

REGULATION AND INSPECTION OF MINES 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. A. Wallace moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill on the seventh clause.

Question—That the Order of the Day be discharged—put and passed.

Question—That the Bill be re-committed on the seventh clause—put and passed.

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

The President left the Chair.

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

The Honorable H. Cuthbert moved, That the adoption of the Report of the Committee be made an Order of the Day for Thursday next.

Question—put and passed.

WATERWORKS ACT 1865 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.

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 progress and asked leave to sit again on Tuesday next.

Ordered.

COUNTY COURTS LAW AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable H. Cuthbert moved, That the Order of the Day be discharged from the notice paper.

Question—put and passed.

AUSTRALASIA NATIONAL INSURANCE COMPANY BILL.—The Honorable F. T. Sargood having produced a certificate of the payment, by the promoters of this Bill, of Twenty Pounds into the hands of the Colonial Treasurer for the public uses of the colony, moved, That the Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable F. T. Sargood, the second reading made an Order of the Day for Tuesday, the 16th instant.

The Council adjourned at six o'clock until six o'clock on Thursday, the 11th instant.

ORDERS OF THE DAY.

THURSDAY, 11TH OCTOBER, 1877.

ORDER OF THE DAY:—

1. REGULATION AND INSPECTION OF MINES BILL.—Adoption of Report.

TUESDAY, 16TH OCTOBER.

ORDERS OF THE DAY:—

1. POLICE OFFENCES STATUTE 1865 AMENDMENT BILL.—To be read a second time.
2. PARLIAMENTARY COSTS BILL.—To be read a second time.
3. WATERWORKS ACT 1865 AMENDMENT BILL.—To be further considered in Committee.
4. AUSTRALASIA NATIONAL INSURANCE COMPANY BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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THURSDAY, 11TH OCTOBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

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

“An Act to amend an Act intituled ‘An Act to amend the Law relating to Justices of the Peace’ and for other purposes.”

“An Act to enable certain lands to be granted to the Corporation of the City of Melbourne for the establishment of a General Market in the said city and for other purposes.”

“An Act to further amend ‘The Local Government Act 1874.’”

“An Act to validate certain payments heretofore made out of moneys raised under ‘The Public Works Loan Act of 1868’ ‘The Public Works Loan Act 1872’ and ‘The Railway Loan Act 1876.’”

“An Act to impose a Land Tax.”

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

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

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

Land Act 1869.—Fee for Registration of Transfer or Mortgage of Leaseholds under section 20.—Regulation.—Order in Council (1st October 1877).

Ordered to lie on the Table.

The Council adjourned at half-past six o'clock until half-past four o'clock on Tuesday, the 16th instant.

ORDERS OF THE DAY.

TUESDAY, 16TH OCTOBER, 1877.

ORDERS OF THE DAY:—

1. POLICE OFFENCES STATUTE 1865 AMENDMENT BILL.—To be read a second time.
2. PARLIAMENTARY COSTS BILL.—To be read a second time.
3. WATERWORKS ACT 1865 AMENDMENT BILL.—To be further considered in Committee.
4. AUSTRALASIA NATIONAL INSURANCE COMPANY BILL.—To be read a second time.
5. REGULATION AND INSPECTION OF MINES BILL.—Adoption of Report.

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

Minutes of the Proceedings
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LEGISLATIVE COUNCIL.

TUESDAY, 16TH OCTOBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable R. S. Anderson presented a Petition, signed by J. H. Murphy and others, styling themselves Roman Catholic residents at Wangaratta, and praying for relief in the matter of education.

Petition received.

MONEY BILLS AND BILLS INCIDENTALLY INVOLVING TAXATION, ETC.—The President laid on the Table a Return to the Order of the Council made on the 9th instant.

The Honorable R. S. Anderson, with leave of the Council, moved, without notice, That the Return be 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 return to the Legislative Council the Bill intituled "*An Act to authorize the construction of certain Lines of Railway by the State,*" and acquaint the Legislative Council that the Legislative Assembly have disagreed with the several amendments made by the Legislative Council in this Bill. And the Legislative Assembly further acquaint the Legislative Council that they have disagreed to the amendments in clause 3 for the following reason :—

"Because these amendments are infractions of the privileges of the Legislative Assembly, inasmuch as they would, in their consequences, lay a charge upon the people."

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 11th October, 1877.

RAILWAY CONSTRUCTION BILL.—MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The Honorable H. Cuthbert 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.

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 an Act intituled 'An Act to provide for the Treatment and Cure of Inebriates.'*"

Also a Bill intituled "*An Act to vest Land in the Mayor, Councillors, and Burgesses of the Borough of Brighton for purposes of public recreation,*" with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 11th October, 1877.

INEBRIATES ACT AMENDMENT BILL.—The Honorable J. Balfour 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. Balfour, 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 transmit to the Legislative Council a Bill intituled "*An Act to provide for Mining for Gold and Silver on Private Property,*" with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 9th October, 1877.

MINING ON PRIVATE PROPERTY 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 Tuesday, the 23rd instant.

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 an Address to His Excellency the Governor agreed to by them on the eleventh of October instant, praying “that Courts of General Sessions may be held at Benalla and Wangaratta,” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 11th October, 1877.

C. GAVAN DUFFY,
Speaker.

To His Excellency Sir GEORGE FERGUSON BOWEN, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, the _____ and the Legislative Assembly of Victoria in Parliament assembled, pray that Courts of General Sessions may be held at Benalla and Wangaratta.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable H. Cuthbert moved, That the Council concur with the Legislative Assembly in the Address to His Excellency the Governor praying that Courts of General Sessions may be held at Benalla and Wangaratta.

Question—put and passed.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

PARLIAMENTARY COSTS 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 Honorable H. Cuthbert moved, That the third reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

WATERWORKS 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 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 a further amendment.

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

Question—put and passed.

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

Question—put and passed.

AUSTRALASIA NATIONAL INSURANCE COMPANY BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable F. T. Sargood moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable F. T. Sargood moved, That the consideration of the Bill in Committee of the whole Council be made an Order of the Day for to-morrow.

Question—put and passed.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable H. Cuthbert moved, That a Message be sent to the Legislative Assembly to acquaint them that the Council have concurred with them in the Address to His Excellency the Governor, praying that Courts of General Sessions may be established at Benalla and Wangaratta.

Question—put and passed.

REGULATION AND INSPECTION OF MINES 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 H. Cuthbert 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 progress and asked leave to sit again on Tuesday next.

Ordered.

BRIGHTON LAND VESTING BILL.—The Honorable J. Balfour 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. Balfour, ordered to be printed, and the second reading made an Order of the Day for Wednesday the 17th instant.

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

ORDERS OF THE DAY.

WEDNESDAY, 17TH OCTOBER 1877.

Government Business.

ORDERS OF THE DAY:—

1. RAILWAY CONSTRUCTION BILL.—Consideration of Message from Legislative Assembly.
2. PARLIAMENTARY COSTS BILL.—To be read a third time.
3. WATERWORKS ACT 1865 AMENDMENT BILL.—To be read a third time.

General Business.

ORDERS OF THE DAY:—

1. INEBRIATES ACT AMENDMENT BILL.—To be read a second time.
2. AUSTRALASIA NATIONAL INSURANCE COMPANY BILL.—To be considered in Committee.
3. BRIGHTON LAND VESTING BILL.—To be read a second time.

TUESDAY, 23RD OCTOBER.

ORDERS OF THE DAY:—

1. MINING ON PRIVATE PROPERTY BILL.—To be read a second time.
2. POLICE OFFENCES STATUTE 1865 AMENDMENT BILL.—To be further considered in Committee.
3. REGULATION AND INSPECTION OF MINES BILL.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



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WEDNESDAY, 17TH OCTOBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

BRIGHTON LAND VESTING BILL.—The Honorable J. Balfour, with leave of the Council moved, without notice, That the resolution of the Council on the 16th instant—That this Bill be now read a first time—be rescinded.

Question—put and passed.

The Honorable J. Balfour, with leave of the Council moved, without notice, That the fees on the Bill be remitted, and that it be treated in all respects as a Public Bill.

Question—put and passed.

The Honorable J. Balfour moved, That the Bill be now read a first time.

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 23rd instant :—

“*Railway Construction Bill*”—Consideration of Message from Legislative Assembly.

PARLIAMENTARY COSTS BILL.—The President having reported that the fair print of this 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 for awarding Costs in certain cases of Private Bills, and for the Taxation of Costs awarded by Committees of the Legislative Council and Legislative Assembly respectively.*”

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.

WATERWORKS ACT 1865 AMENDMENT BILL.—The President having reported that the fair print of this 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 amend the Waterworks Act 1865 and for other purposes.*”

Question—put and passed.

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

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

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

AUSTRALASIA NATIONAL INSURANCE COMPANY BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable F. T. Sargood moved, That the Bill be now considered in Committee.

Question—put and passed.

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

The President left the Chair.

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

The Honorable F. T. Sargood moved, That the adoption of the Report be made an Order of the Day for Tuesday next.

Question—put and passed.

ADJOURNMENT.—The Honorable H. Cuthbert, 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 o'clock until half-past four o'clock on Tuesday, the 23rd instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 23RD OCTOBER, 1877.

NOTICE OF MOTION:—

1. The Hon. F. T. SARGOOD : To move for leave to introduce a Bill to amend the present Insolvency Act.

ORDERS OF THE DAY:—

1. **MINING ON PRIVATE PROPERTY BILL.**—To be read a second time.
2. **POLICE OFFENCES STATUTE 1865 AMENDMENT BILL.**—To be further considered in Committee.
3. **REGULATION AND INSPECTION OF MINES BILL.**—To be further considered in Committee.
4. **BRIGHTON LAND VESTING BILL.**—To be read a second time.
5. **RAILWAY CONSTRUCTION BILL.**—Consideration of Message from Legislative Assembly.
6. **INEBRIATES ACT AMENDMENT BILL.**—Adoption of Report.
7. **AUSTRALASIA NATIONAL INSURANCE COMPANY BILL.**—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 23RD OCTOBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable R. S. Anderson presented a Petition, signed by W. Tierney and others, styling themselves Roman Catholic residents in the Ovens district, and praying for relief in the matter of education.

Petition received.

PETITION.—The Honorable R. S. Anderson presented a Petition, signed by W. Lane and another, on the subject of the Mining on Private Property Bill.

Petition received.

The Petition was read at the Table by the Clerk.

The Honorable R. S. Anderson moved, That the Petition be referred to the Committee to which the Mining on Private Property Bill may be referred.

Question—put and passed.

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

Exhibition at Philadelphia.—Final Report of Commissioners for Victoria.

Ordered to lie on the Table.

PAPERS.—The Honorable H. Cuthbert laid on the Table the following Papers :—

1. Fisheries Act 1873.—*Gazette* notice of intention to alter the close season for English perch (25th September 1877).

2. Yan Yean Water Supply.—Cash Statement and Balance-sheet (30th June 1877).

Ordered severally to lie on the Table.

INSOLVENCY LAW AMENDMENT BILL.—The Honorable F. T. Sargood, in accordance with notice, moved for leave to introduce a Bill to amend the present Insolvency Act.

Question—put and passed.

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

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

“*Mining on Private Property Bill*”—To be read a second time.

“*Police Offences Statute 1865 Amendment Bill*”—To be further considered in Committee.

“*Regulation and Inspection of Mines Bill*”—To be further considered in Committee.

“*Brighton Land Vesting Bill*”—To be read a second time.

RAILWAY CONSTRUCTION BILL.—CONSIDERATION OF MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable H. Cuthbert moved, That the Council do not insist on their amendments in the Bill.

Debate ensued.

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

"This House has taken into consideration the Message from the Legislative Assembly returning the Bill intituled '*An Act to authorize the construction of certain Lines of Railway by the State,*' and disagreeing with the amendments made therein by the Legislative Council because they are infractions of the privileges of the Legislative Assembly, inasmuch as they would in their consequences lay a charge upon the people :

"That the Legislative Council is always desirous of joining the Legislative Assembly in passing measures for advancing the best interests of the colony, including the opening up of the country by railways :

"That the Legislative Council is prepared at all times to treat with the respect due to the other branch of the Legislature any objections which may be urged by the latter to amendments made in Bills by the Legislative Council, and it would have been an assistance in considering this question if the grounds had been more specifically set forth for alleging that amending any part of a Railway Construction Bill was an infraction of the privileges conferred by the Constitution Act upon the Legislative Assembly :

"That the Legislative Council returns to the Legislative Assembly the Bill to authorize the construction of certain Lines of Railway by the State, and insists upon its amendments therein."

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 this House has taken into consideration the Message from the Legislative Assembly returning the Bill intituled '*An Act to authorize the construction of certain Lines of Railway by the State,*' and disagreeing with the amendments made therein by the Legislative Council because they are infractions of the privileges of the Legislative Assembly, inasmuch as they would in their consequences lay a charge upon the people :

"That the Legislative Council is always desirous of joining the Legislative Assembly in passing measures for advancing the best interests of the colony, including the opening up of the country by railways :

"That the Legislative Council is prepared at all times to treat with the respect due to the other branch of the Legislature any objections which may be urged by the latter to amendments made in Bills by the Legislative Council, and it would have been an assistance in considering this question if the grounds had been more specifically set forth for alleging that amending any part of a Railway Construction Bill was an infraction of the privileges conferred by the Constitution Act upon the Legislative Assembly :

"That the Legislative Council returns to the Legislative Assembly the Bill to authorize the construction of certain Lines of Railway by the State, and insists upon its amendments therein."

—put and passed.

The Honorable R. S. Anderson moved, That a Select Committee be appointed to prepare reasons for so insisting.

Question—put and passed.

The Honorable R. S. Anderson moved, That the following be the Members of the Committee, viz., The Honorables the President, Dr. Dobson, W. Highett, F. T. Sargood, J. Graham, N. Fitzgerald, J. Balfour, and the Mover.

Question—put and passed.

PETITION.—The Honorable A. Fraser presented a Petition from the Seven Hills Estate Freehold Company (Limited) Kingston, and under the seal thereof, on the subject of the Mining on Private Property Bill.

Petition received.

The Petition was read at the Table by the Clerk.

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

Question—put and passed.

MINING ON PRIVATE PROPERTY 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.

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

Amendment moved by the Honorable J. A. Wallace, That all the words after the word "That" be omitted, with a view to insert the words "the Bill be referred to a Select Committee."

Debate ensued.

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

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

Question—That the Bill be referred to a Select Committee—put and passed.

The Honorable J. A. Wallace moved, That the Committee consist of ten Members, and that the following be the Members of the Committee, viz.:—The Honorables Dr. Dobson, N. Fitzgerald, F. T. Sargood, J. Balfour, T. T. a'Beckett, R. Simson, Sir S. Wilson, R. D. Reid, J. P. Bear, and the Mover ; and that such Committee have power to call for persons and papers, and have power to sit on days on which the Council does not sit.

Question—put and passed.

The Council adjourned at ten minutes past ten o'clock until half-past four o'clock on Wednesday, the 24th instant.

ORDERS OF THE DAY.

WEDNESDAY, 24TH OCTOBER, 1877.

Government Business.

ORDERS OF THE DAY :—

1. POLICE OFFENCES STATUTE 1865 AMENDMENT BILL.—To be further considered in Committee.
2. REGULATION AND INSPECTION OF MINES BILL.—To be further considered in Committee.

General Business.

ORDERS OF THE DAY :—

1. BRIGHTON LAND VESTING BILL.—To be read a second time.
 2. INEBRIATES ACT AMENDMENT BILL.—Adoption of Report.
 3. AUSTRALASIA NATIONAL INSURANCE COMPANY BILL.—Adoption of Report.
-

TUESDAY, 6TH NOVEMBER.

ORDER OF THE DAY :—

1. INSOLVENCY LAW AMENDMENT BILL.—To be read a second time.
-

MEETINGS OF SELECT COMMITTEES.

Wednesday, 24th October.

RAILWAY CONSTRUCTION BILL.—To PREPARE REASONS—at half-past two p.m.

Thursday, 25th October.

MINING ON PRIVATE PROPERTY—at three o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 24TH OCTOBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITIONS.—The Honorable N. Fitzgerald, on behalf of the Honorable Dr. Dobson, presented Petitions severally from Roman Catholic residents at Epping and Woodstock, and at Brunswick and Coburg, praying for relief in the matter of education.

Petitions received.

RAILWAY CONSTRUCTION BILL.—SELECT COMMITTEE APPOINTED TO PREPARE REASONS—REPORT OF.—The Honorable R. S. Anderson brought up the Report of the Select Committee appointed to prepare reasons for insisting on the amendments made by the Legislative Council in the Railway Construction Bill, as hereunder set forth :—

“1. The Legislative Council and Legislative Assembly are the creation of an Imperial Statute, and have no powers either respectively or jointly which are not conferred upon them by that Act :

“2. The first section of the Constitution Act establishes two Houses of Legislature, and authorizes Her Majesty, with the advice and consent of those two Houses, to make laws in and for Victoria in all cases whatsoever :

“3. The powers thus conferred equally and alike upon both Houses are qualified by the 56th section, which provides that bills for appropriating any part of the revenue of Victoria, and for imposing any duty, rate, tax, rent, return, or impost must originate in the Assembly, and may be rejected, but not altered, by the Council :

“4. Excepting the 56th section, no other section of the Constitution Act restricts the powers conferred by the first section :

“5. This Bill does not come within the meaning of the 56th section, inasmuch as it neither appropriates any portion of the revenue nor imposes any duty, rate, tax, rent, return, or impost.”

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

Question—put and passed.

The Honorable R. S. Anderson moved—

That the Bill be returned to the Legislative Assembly, with a Message acquainting them that this House has taken into consideration the Message from the Legislative Assembly returning the Bill intitled “*An Act to authorize the construction of certain Lines of Railway by the State,*” and disagreeing with the amendments made therein by the Legislative Council because they “are infractions of the privileges of the Legislative Assembly, inasmuch as they would in their consequences lay a charge upon the people” :

That the Legislative Council is always desirous of joining the Legislative Assembly in passing measures for advancing the best interests of the colony, including the opening up of the country by railways :

That the Legislative Council is prepared at all times to treat with the respect due to the other branch of the Legislature any objections which may be urged by the latter to amendments made in Bills by the Legislative Council, and it would have been an assistance in considering this question if the grounds had been more specifically set forth for alleging that amending any part of a Railway Construction Bill was an infraction of the privileges conferred by the Constitution Act upon the Legislative Assembly :

That the Legislative Council returns to the Legislative Assembly the Bill to authorize the construction of certain Lines of Railway by the State, and insists upon its amendments therein, for the following reasons :—

- “ 1. The Legislative Council and Legislative Assembly are the creation of an Imperial Statute, and have no powers, either respectively or jointly, which are not conferred upon them by that Act :
- “ 2. The first section of the Constitution Act establishes two Houses of Legislature, and authorizes Her Majesty, with the advice and consent of those two Houses, to make laws in and for Victoria in all cases whatsoever :
- “ 3. The powers thus conferred equally and alike upon both Houses are qualified by the 56th section, which provides that Bills for appropriating any part of the revenue of Victoria and for imposing any duty, rate, tax, rent, return, or impost must originate in the Assembly and may be rejected, but not altered, by the Council :
- “ 4. Excepting the 56th section, no other section of the Constitution Act restricts the powers conferred by the first section :
- “ 5. This Bill does not come within the meaning of the 56th section, inasmuch as it neither appropriates any portion of the revenue nor imposes any duty, rate, tax, rent, return, or impost.”

Question—put and passed.

PAPER.—The Honorable H. Cuthbert laid upon the Table the following Paper :—

Fisheries Act 1873.—*Gazette* notice approving an altered definition of the mouth of the Yarra. Ordered to lie on the Table.

POLICE OFFENCES STATUTE 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 without amendment.

The Honorable R. S. Anderson 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 R. S. Anderson, was read a third time and *passed*.

The Honorable R. S. Anderson moved, That the title of the Bill be “ *An Act to amend the Police Offences Statute 1865.*”

Question—put and passed.

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

REGULATION AND INSPECTION OF MINES 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 a further amendment.

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

Question—put and passed.

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

Question—put and passed.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable J. Balfour 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. Balfour moved, That the adoption of the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable J. Balfour moved, That the title of the Bill be “ *An Act to vest land in the Mayor Councillors and Burgesses of the Borough of Brighton for purposes of Public Recreation.*”

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 Beechworth Waterworks Act 1860,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers,
Melbourne, 24th October, 1877.

C. GAVAN DUFFY,
Speaker.

BEECHWORTH WATERWORKS ACT 1860 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 Tuesday next.

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

Question—put and passed.

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

The Honorable J. Balfour moved, That the title of the Bill be “*An Act to amend an Act intituled “An Act to provide for the treatment and cure of Inebriates.”*”

Question—put and passed.

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

AUSTRALASIA NATIONAL INSURANCE COMPANY 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 F. T. Sargood moved, That the Report be now adopted.

Question—put and passed.

The Honorable F. T. Sargood 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 H. Cuthbert, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at a quarter past five o'clock until half-past four o'clock on Tuesday, the 30th instant.

ORDERS OF THE DAY.

TUESDAY, 30TH OCTOBER, 1877.

ORDERS OF THE DAY:—

1. REGULATION AND INSPECTION OF MINES BILL.—To be read a third time.
2. BEECHWORTH WATERWORKS ACT 1860 AMENDMENT BILL.—To be read a second time.
3. AUSTRALASIA NATIONAL INSURANCE COMPANY BILL.—To be read a third time.

TUESDAY, 6TH NOVEMBER.

ORDER OF THE DAY:—

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

MEETING OF SELECT COMMITTEE.

Thursday, 25th October.

MINING ON PRIVATE PROPERTY BILL—at three o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 30TH OCTOBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Land Act 1869.—Regulation as to Fees payable under section 49.—Order in Council (22nd October, 1877).
2. Land Act 1869.—Regulation respecting Timber Licenses.—Order in Council (22nd October, 1877).
3. Savings Banks.—Statements and Returns for year ending 30th June, 1877.

Ordered severally to lie on the Table.

REGULATION AND INSPECTION OF MINES 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 H. Cuthbert, was read a third time and *passed*.

The Honorable H. Cuthbert moved, That the title of the Bill be "*An Act to provide for the Regulation and Inspection of Mines.*"

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.

BEECHWORTH WATERWORKS ACT 1860 AMENDMENT BILL.—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the resolution of the Council on the 24th instant, "That this Bill be now read a first time," be rescinded.

Question—put and passed.

The Honorable H. Cuthbert moved, That a Message be sent to the Legislative Assembly requesting them to communicate to this House copies of the Report and Proceedings of any Committee of the Assembly to which the Bill may have been referred during the present session.

Question—put and passed.

AUSTRALASIA NATIONAL INSURANCE COMPANY 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 C. J. Jenner, was read a third time and *passed*.

The Honorable C. J. Jenner moved, That the title of the Bill be "*An Act to give additional powers to the National Insurance Company of Australasia (Limited).*"

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

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 apply out of the Consolidated Revenue the sum of Eight hundred thousand pounds to the service of the year One thousand eight hundred and seventy-seven and eight,*" with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne 30th October, 1877.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend an Act intituled 'An Act to provide for the Treatment and Cure of Inebriates,'*" and acquaint the Legislative Council that they have agreed to the amendments made by the Legislative Council in this Bill.

Legislative Assembly Chamber,
Melbourne, 30th October, 1877.

C. GAVAN DUFFY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council copies of the Report and Evidence of the Select Committee of the Legislative Assembly appointed in the present session of Parliament on the Bill intituled "*An Act to amend the Beechworth Waterworks Act 1860,*" as requested by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 30th October, 1877.

C. GAVAN DUFFY,
Speaker.

CONSOLIDATED REVENUE BILL (3).—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 Wednesday, the 31st instant.

BEECHWORTH WATERWORKS ACT 1860 AMENDMENT BILL.—The Honorable H. Cuthbert produced a certificate of the payment of the sum of Twenty pounds into the hands of the Colonial Treasurer for the public uses of the Colony, and moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

The Council adjourned at a quarter past eight o'clock until half-past four o'clock on Wednesday, the 31st instant.

ORDERS OF THE DAY.

WEDNESDAY, 31ST OCTOBER, 1877.

Government Business.

ORDER OF THE DAY:—

1. CONSOLIDATED REVENUE BILL (3).—To be read a second time.

General Business.

ORDER OF THE DAY:—

1. BEECHWORTH WATERWORKS ACT 1860 AMENDMENT BILL.—To be read a second time.

TUESDAY, 6TH NOVEMBER.

ORDER OF THE DAY:—

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

MEETING OF SELECT COMMITTEE.

Wednesday, 31st October.

MINING ON PRIVATE PROPERTY BILL—at three o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 31ST OCTOBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ROYAL ASSENT TO BILLS.—The President announced to the Council that he had received a communication from the Private Secretary to His Excellency the Governor, intimating that it is the intention of His Excellency to proceed to the Legislative Council Chamber this day, at a quarter past six o'clock, to assent, in Her Majesty's name, to certain Bills passed by the Legislative Council and the Legislative Assembly.

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

Defence of Harbors of Warrnambool, Belfast, and Portland.—Memorandum by His Excellency Sir W. Drummond Jervois, R.E., K.C.M.G., C.B.

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 authorize the construction of certain Lines of Railway by the State,*" with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 31st October, 1877.

RAILWAY CONSTRUCTION BILL (2).—The Honorable H. Cuthbert moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

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 authorize the construction of certain Lines of Railway by the State.*"

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.

PETITION.—The Honorable Dr. Dobson presented a Petition, signed by F. A. Walsh, styling himself attorney for the Bank of New South Wales, and praying that certain alterations may be made in the Mining on Private Property Bill.

Petition received, and, on the motion of the Honorable Dr. Dobson referred to the Select Committee on the Mining on Private Property Bill.

CONSOLIDATED REVENUE BILL (3).—The Order of the Day for the second reading of this Bill having been read, the Honorable H. Cuthbert moved, That this 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 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 apply out of the Consolidated Revenue the sum of Eight hundred thousand pounds to the service of the year One thousand eight hundred and seventy-seven and eight.*"

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.

BEECHWORTH WATERWORKS ACT 1860 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Cuthbert moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable H. Cuthbert moved, That the consideration of the Bill in Committee of the whole Council be made an Order of the Day for the next day of meeting.

Question—put and passed.

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

ROYAL ASSENT TO BILLS.—His Excellency the Governor came into the Council Chamber and desired the attendance of the Legislative Assembly in the Council Chamber; who being come with their Speaker, His Excellency was pleased to assent, in Her Majesty's name, to the following Bills:—

"*An Act for awarding costs in certain cases of Private Bills, and for the Taxation of Costs awarded by Committees of the Legislative Council and Legislative Assembly respectively.*"

"*An Act to vest Land in the Mayor, Councillors, and Burgesses of the Borough of Brighton for purposes of public recreation.*"

"*An Act to amend an Act intituled 'An Act to provide for the treatment and cure of 'Inebriates.'*"

"*An Act to apply out of the Consolidated Revenue the sum of Eight hundred thousand pounds to the service of the year One thousand eight hundred and seventy-seven and eight.*"

"*An Act to authorize the construction of certain Lines of Railway by the State.*"

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

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

"G. F. BOWEN,
"Governor."

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

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

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

Notice being taken that there was not a quorum of Members present, the President counted the House, and there not being a quorum present, the President adjourned the House without question put, to the next sitting day, Thursday, the 1st proximo.

ORDERS OF THE DAY.

THURSDAY, 1ST NOVEMBER, 1877.

1. The Hon. R. S. ANDERSON: To ask the Honorable the Postmaster-General whether it is the intention of the Ministry to afford this House the opportunity of considering the propriety of renewing or discontinuing the payment of Members of Parliament by submitting the measure by Bill, as heretofore.

ORDER OF THE DAY:—

1. BEECHWORTH WATERWORKS ACT 1860 AMENDMENT BILL.—To be considered in Committee.

TUESDAY, 6TH NOVEMBER.

ORDER OF THE DAY:—

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

MEETING OF SELECT COMMITTEE.

Thursday, 1st November.

MINING ON PRIVATE PROPERTY BILL—at half-past two o'clock.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 1ST NOVEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable Dr. Dobson presented a Petition, signed by Peter McWhae and others, praying that a clause may be inserted in the Mining on Private Property Bill, to save existing interests.

Petition received.

The Petition was read at the Table by the Clerk, and was, on the motion of the Honorable Dr. Dobson, referred to the Select Committee on the Mining on Private Property Bill.

BEECHWORTH WATERWORKS ACT 1860 AMENDMENT BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable H. Cuthbert moved, That the Bill be now considered in Committee.

Question—put and passed.

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

The President left the Chair.

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

The Honorable H. Cuthbert moved, That the adoption of the Report be made an Order of the Day for the next day of meeting.

Question—put and passed.

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

Question—put and passed.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 7TH NOVEMBER, 1877.

NOTICE OF MOTION :—

1. The Hon. R. S. ANDERSON : To move, That an Address be presented to His Excellency the Governor, respectfully intimating the desire of this House to be afforded an opportunity of considering the question of Payment of Members by Bill, as heretofore; pointing out that the inclusion of a sum for the Payment of Members in the Appropriation Bill might make such a procedure the instrument of enabling one branch of the Legislature to coerce the other; and requesting that His Excellency may therefore refuse to authorize such a procedure.

ORDER OF THE DAY :—

1. BEECHWORTH WATERWORKS ACT 1860 AMENDMENT BILL.—Adoption of Report.
2. INSOLVENCY LAW AMENDMENT BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Wednesday, 7th November.

MINING ON PRIVATE PROPERTY BILL—at two o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 7TH NOVEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

Sale and Use of Poisons Act 1876.—Regulations.—Order in Council (15th October 1877).

Ordered to lie on the Table.

PAYMENT OF MEMBERS OF PARLIAMENT.—The Honorable R. S. Anderson, in accordance with notice, moved, That an Address be presented to His Excellency the Governor, respectfully intimating the desire of this House to be afforded an opportunity of considering the question of Payment of Members by Bill, as heretofore; pointing out that the inclusion of a sum for the Payment of Members in the Appropriation Bill might make such a procedure the instrument of enabling one branch of the Legislature to coerce the other; and requesting that His Excellency may therefore refuse to authorize such a procedure.

Amendment moved by the Honorable W. Campbell, That the words "intimating the desire" be omitted from the question, with a view to insert the words "asserting the right" instead thereof.

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

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

Amendment moved by the Honorable W. Campbell, That after the word "heretofore" the word "and" be inserted.

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

Amendment moved by the Honorable W. Campbell, That the words "and requesting that His Excellency may therefore refuse to authorize such a procedure," be omitted from the question.

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

Question—That an Address be presented to His Excellency the Governor respectfully asserting the right of this House to be afforded an opportunity of considering the question of Payment of Members by Bill, as heretofore, and pointing out that the inclusion of a sum for the Payment of Members in the Appropriation Bill might make such a procedure the instrument of enabling one branch of the Legislature to coerce the other—put.

Debate ensued.

Question—put and passed.

The Honorable R. S. Anderson moved, That a Select Committee be appointed to prepare the Address.

Question—put and passed.

The Honorable R. S. Anderson moved, That the following be the Members of such Committee, viz., The Honorables Sir C. Sladen, F. T. Sargood, N. Fitzgerald, J. Balfour, J. Graham, R. Simson, Dr. Dobson, and the Mover.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Waterworks Act 1865, and for other purposes,*" and acquaint the Legislative Council that they have disagreed with two of the amendments made therein by the Legislative Council, because they were infringements of the privileges of the Legislative Assembly, inasmuch as they altered the proposed mode of collecting the rate; and that they have agreed to the other amendments with an amendment, with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 1st November, 1877.

WATERWORKS ACT 1865 AMENDMENT BILL.—MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The Honorable H. Cuthbert moved, That the Message from the Legislative Assembly with this Bill be taken into consideration to-morrow.

Question—put and passed.

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

ORDERS OF THE DAY.

THURSDAY, 8TH NOVEMBER, 1877.

ORDERS OF THE DAY :—

1. WATERWORKS ACT 1865 AMENDMENT BILL.—Consideration of Message from the Legislative Assembly.
 2. BEECHWORTH WATERWORKS ACT 1860 AMENDMENT BILL.—Adoption of Report.
 3. INSOLVENCY LAW AMENDMENT BILL.—To be read a second time.
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MEETINGS OF SELECT COMMITTEES.

Thursday, 8th November.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR—at half-past two o'clock.

Tuesday, 13th November.

MINING ON PRIVATE PROPERTY BILL—at half-past two o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 8TH NOVEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable R. S. Anderson brought up the Address prepared by the Select Committee appointed on the 7th instant to prepare “an Address to His Excellency the Governor, respectfully asserting the right of this House to be afforded an opportunity of considering the question of Payment of Members by Bill, as heretofore, and pointing out that the inclusion of a sum for the Payment of Members in the Appropriation Bill might make such a procedure the instrument of enabling one branch of the Legislature to coerce the other.”

The Address was read to the Council, as hereunder set forth :—

To His Excellency SIR GEORGE FERGUSON BOWEN, 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, and Vice-Admiral of the same, &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 assurances of our unabated loyalty to Her Majesty’s throne and person.

We desire to draw Your Excellency’s attention to the answer given by the Honorable the Postmaster-General during the sitting of the Council on the 1st instant to the question put by one of our Members, viz., “Whether it is the intention of the Ministry to afford this House the opportunity of considering the propriety of renewing or discontinuing the Payment of Members of Parliament by submitting the measure by Bill as heretofore.”

That answer was as follows :—“In reply to the Honorable Member, the Cabinet desire me to say that it is unusual and inexpedient to state the intention of the Government otherwise than by the due presentation of business to Parliament; but in this instance there is an additional and serious objection to the question of the Honorable Member: It deals with appropriation of revenue, which is the exclusive privilege of the Legislative Assembly, and it is, therefore, highly undesirable that the Legislative Council should interfere, even by a question, with appropriation, the initiation of which is by Message from the Crown, on the advice of responsible Ministers, and is further controlled by the exclusive privileges of the Assembly.”

This being the opinion of Your Excellency’s Advisers, were we to continue silent it might, with some show of reason, be inferred that we were satisfied with the answer of the Government, and would accept their dictum as representing the true position of the matter as between the two Chambers.

We have therefore thought it incumbent upon us to lay before Your Excellency the following circumstances connected with the question of Payment of Members :—

In the Session of 1860–1 a separate Bill was introduced in the Assembly for Payment of Members, but was lost in the Council.

In the Session of 1861–2 Sir Henry Barkly, who was then Governor, was warned by the Legislative Council of the inevitable consequences of a sum being included in the annual Estimates of Expenditure for the compensation of Members of Parliament, and the objectionable item was not included in the Estimates for the year which were laid before the Assembly in that Session.

On five subsequent occasions separate Bills for the same object have been sent up from the Legislative Assembly, three of which were rejected, and the two last passed by the Legislative Council; but on both those occasions the principal supporters of those Bills distinctly stated that their votes were given on the understanding that the measures were to be tentative only, and limited in their duration.

The question at the present time is in exactly the same position as it was when originated in 1861, and is still in the region of experimental legislation.

It is not a mere question of the appropriation of the public revenue, but of public policy, upon which an uniform usage has been adopted in the colony, with the concurrence of both Houses, and with the marked co-operation of Her Majesty's representative in 1861.

That usage is moreover in strict conformity with the Royal Instructions, which direct that "in the passing of all laws each different matter must be provided for by a different law without intermixing such things as have no proper relation to each other, and that no clause or clauses be inserted in or annexed to any Act which shall be foreign to what the title of such Act imports."

We therefore desire to inform Your Excellency that we claim the right to exercise the same free and deliberate vote on any Bill which may be submitted to us for providing compensation to Members of Parliament as we have had and exercised on all previous occasions, and we submit that the inclusion of a sum for that purpose in the annual Appropriation Bill might make such procedure the instrument of enabling one branch of the Legislature to coerce the other.

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

Debate ensued.

Question—put and passed.

The Honorable R. S. Anderson moved, That the Address be presented to His Excellency the Governor by the President and such Members as may desire to accompany him.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 13th instant.

"*Waterworks Act 1865 Amendment Bill*"—Consideration of Message from Legislative Assembly.

BEECHWORTH WATERWORKS ACT 1860 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 R. S. Anderson moved, That the Report be now adopted.

Question—put and passed.

The Honorable R. S. Anderson moved, That the third reading of the Bill be made an Order of the Day for Tuesday, the 13th instant.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 20th instant.

"*Insolvency Law Amendment Bill*"—To be read a second time.

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

ORDERS OF THE DAY.

TUESDAY, 13TH NOVEMBER, 1877.

ORDERS OF THE DAY:—

1. WATERWORKS ACT 1865 AMENDMENT BILL.—Consideration of Message from the Legislative Assembly.
2. BEECHWORTH WATERWORKS ACT 1860 AMENDMENT BILL.—To be read a third time.

TUESDAY, 20TH NOVEMBER.

ORDER OF THE DAY:—

1. INSOLVENCY LAW AMENDMENT BILL.—To be read a second time.
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MEETING OF SELECT COMMITTEE.

Tuesday, 13th November.

MINING ON PRIVATE PROPERTY BILL—at half-past two o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 13TH NOVEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

REPLY OF HIS EXCELLENCY THE GOVERNOR TO ADDRESS OF THE COUNCIL.—The President announced to the Council that the reply of His Excellency the Governor to the Address of the Council, adopted on the 8th instant, had been presented to His Excellency in accordance with the resolution of the House, and that His Excellency had been pleased to make thereto the following reply :—

MR. PRESIDENT AND GENTLEMEN:

I thank you in the name of the Queen for this assurance of your unabated loyalty to Her Majesty's Throne and Person.

For myself I receive your Address with the high consideration due from the Representative of the Crown to any expression of opinion from either House of the Victorian Parliament.

I have already consulted, and will again consult on the important question to which you have solicited attention, the Responsible Ministers, whose advice it is the undoubted duty of the Governor of every colony possessing Parliamentary institutions on the English model to follow generally in all matters of purely local concern, and in which neither the Prerogatives of the Crown nor other Imperial interests are involved.

G. F. BOWEN.

Government Offices,
Melbourne, 13th November, 1877.

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 the accompanying grounds upon which the amendments made by the Legislative Council in the Bill intituled "*An Act to authorize the construction of certain Lines of Railway by the State*," were disagreed with by the Assembly.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 8th November, 1877.

The Legislative Assembly, out of courtesy to the Legislative Council, desire to supply an omission, of which the Council complain, by "setting forth specifically" the grounds upon which they consider the privileges of the Assembly have been invaded by the amendments made by the Council in "a Bill authorizing the construction of certain railways by the State" at the public expense. They omitted to do so in the first instance only because they assumed that these grounds were sufficiently known from former controversy between the Houses on the same question.

Their contention is this :—That the Legislative Assembly was created to possess, and from the beginning claimed and exercised, the same exclusive power over public expenditure claimed and exercised by the House of Commons. And that the Legislative Council was designed to possess with respect to aid and supply only the legal right of rejection (which is in effect merely a suspensive vote) enjoyed by the House of Lords. The Select Committee who framed the Constitution in a report to the old Legislative Council, describe their intention with respect to the functions of the two Chambers in words that cannot be misunderstood. To the Council they said, "we propose to entrust the legislative functions of the House of Lords." And "on the House of Assembly we propose to confer all the rights and powers of the House of Commons."

The right of the Assembly to originate and control the public expenditure in all its branches does not rest exclusively (as the Council assume) on the 56th section of the Constitution. The 34th section of that Statute further defines and enlarges the same power. By this section it is directed that till Standing Orders are framed the two Chambers shall be guided "by the rules, forms, and usages" [not of the House of Commons, but] "of the Imperial Parliament, which shall be followed so far as the same may be applicable to the proceedings of the Council and Assembly *respectively*"—a direction plainly implying a fundamental distinction between the Chambers, such as exists between the Chambers of the Imperial Parliament.

The same section authorizes both Houses, in the first session, and from time to time afterwards, to prepare and adopt Standing Rules and Orders for a variety of purposes, and generally for the conduct of all business and proceedings in the Council and Assembly, severally and collectively, which when sanctioned by the Governor should have the force of law. In pursuance of this power, both Houses, in the first session of the first Parliament of Victoria, while the founders

of the Constitution were still members, framed Standing Orders which received the sanction of the Governor, and have been in force for more than twenty years. In these Standing Orders the powers of the two Chambers on questions of aid and supply are treated as identical with the powers of the Lords and Commons respectively. For example, the 273rd Standing Order of the Assembly declares that, with respect to Bills brought from the Council with amendments whereby any pecuniary penalty, forfeiture, or fine should be authorized, the Assembly, in certain cases, would not insist on its privileges. It is scarcely necessary to point out that the Assembly could only waive privileges which they possessed and enjoyed. And again by the 285th Standing Order it is expressly directed "that in all cases not therein provided for, resort shall be had to the rules, forms, usages, and practices of the *Commons House of Parliament* of Great Britain and Ireland, which shall be followed so far as the same may be applicable."

In the Standing Orders of the Council, on the other hand, so far from claiming any control over public expenditure, it is specifically directed that "no petition the prayer of which is for a distinct grant of money shall be *received* by the Council." Thus, while the Assembly may receive and deal with such petitions, upon the recommendation of the Crown, the Council is disabled from receiving them in any manner whatsoever. And finally, the Council, in all cases not provided for, is directed to have recourse to the "rules, forms, usages, and practices," not of the House of Commons, which would be clearly inapplicable to their functions, but "of the Imperial Parliament."

In adopting a new form of Government and a novel procedure in the colony, oversights and mistakes were naturally committed. The Council, for example, ventured to make an amendment in the Appropriation Bill itself in the first Parliament, and other irregularities were from time to time attempted; but the true relation of the Houses on all questions of aid and supply was constantly insisted on in debate in the Assembly, and gradually became known and acknowledged on all hands. It is not necessary to trace the controversy in detail, as at length it found a formal and authoritative solution. So long as ten years ago, the Council, after careful deliberation, recognized by a unanimous vote the principle so long contended for; and it is not without grave surprise that the Assembly finds itself called upon to re-state the grounds of a claim which they had reason to believe was thus removed for ever from the domain of controversy.

The history of this agreement may be briefly recapitulated. In 1867 some difficulty arose over a Customs Bill, and a conference was suggested. On the 9th of April, in that year, Mr. Anderson, in the absence of, and on behalf of, Mr. Sladen, moved and carried the following resolution:—

"That seven members of this Council be appointed to meet and confer with a like number of members of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any duty, rate, tax, rent, return, or impost, and particularly with the Bill intituled '*An Act for granting to Her Majesty certain Duties of Customs.*'"

The Assembly appointed a Committee to meet the Committee of the Council, and on the 15th May a report was brought up to each House. The report submitted to the Council by Mr. Sladen was read by the Clerk at the table, as follows:—

"The Committee appointed by your Honorable House to confer with a like number of the Legislative Assembly in relation to the course of proceeding generally with Bills, &c., have the honor to report:—

"Your Committee conferred on several occasions with the Committee of the Legislative Assembly on the said subject, and it was mutually agreed by the two Committees that a progress report should be presented to each House, as follows:—

"That the two Houses be respectively advised that, inasmuch as doubts have arisen respecting the form or contents of and practice relating to Bills required by the 56th section of the Constitution Act to originate in the Legislative Assembly, it is expedient that the practice of the Lords and Commons respectively be observed as to such Bills *and as to all subjects of aid and supply*, and that each House should be guided in all matters and forms relating thereto by the precedents established by the House of Lords and by the House of Commons respectively."

This report, after lying on the table for a week, was unanimously adopted by the Council on the 21st of May, on the motion of Mr. Sladen. A similar report was adopted in the Assembly, and thus the principle always insisted on by the Assembly was recognized by both branches of the Legislature, that the Council may make alterations in any part of a Bill incidentally involving expenditure, except the money clauses; but with respect to these clauses are restricted in the same manner as the House of Lords from making any amendment whatever.

To this principle so clearly and formally, and as it was supposed finally, recognized in 1867, the Assembly have since adhered in letter and spirit. When clauses of appropriation, or clauses imposing a duty, tax, rate, rent, return, or impost, were inserted in Bills of a general character, the right of the Council to amend or reject any portion of the general measure has not been questioned since the date of the agreement. The *rationale* of this agreement is obvious:—a clause appropriating a part of the public revenue, if sent up in a separate Bill, could not be amended by the Council: if it were sent up in a general measure, it was not intended that the powers of the Council over other parts of that general measure should be in any way abridged by that fact; but, on the other hand, it cannot be supposed that the Council could thereby attain any power of amendment over the clause making the appropriation any more than if it were contained in a separate Bill.

With respect to the Bill at present under consideration, it is not contended (as the Council by their message seem to suppose) that they can make no amendment in it; but it is contended and insisted upon that they can make no amendment which either directly or in its consequences imposes a burthen on the people; amendments of that character being undeniably forbidden to the House of Lords by the practice of the Imperial Parliament.

A return laid before the Council of money Bills and Bills incidentally involving taxation or appropriation, in which the Council have made amendments since October 1867, has been cited as a proof that their claim to make the amendments at present in controversy is well founded. But what that return proves is, that the Assembly have carried out faithfully the agreement already recited (entered into in the early part of that year), by not objecting to amendments in such Bills when they left the money clauses untouched.

It is necessary further to state that if no agreement had ever been come to between the Houses, some of the amendments made by the Council in the Railway Construction Bill must be rejected as a violation of the 56th section of the Constitution Act, which forbids the Council to make

any alteration in an appropriation of public money. The third clause of the Railway Construction Bill appropriates the funds raised on the security of, and to be repaid out of, the public revenue of Victoria, for the construction of certain specified lines; and this clause the Council have amended by inserting a wholly new line (from Flinders street to Spencer street); and by another amendment in the fifth clause they direct that "a sum not exceeding five thousand pounds" shall be expended on this new line; an expenditure for which no sanction had ever been asked or obtained from the Chamber alone authorized by the Constitution to originate appropriations of public money.

By an amendment in the third clause they further provide that running powers may be taken by the Victorian Railways over the lines of the Hobson's Bay Company; an arrangement involving an annual expenditure, which under our Constitution the Assembly are only authorized to make after having received a message from the Governor recommending it; and which the Council are not authorized to make under any circumstances whatever.

The amendments in the Schedules are liable to a similar objection; by varying or increasing the proposed expenditure, originated by the Assembly, they plainly violate the 56th section of the Constitution Act; for no substantial or intelligible distinction exists between the appropriation of the revenue and the appropriation of a loan to be repaid out of the revenue.

In vindication of the Council, the strange suggestion has been thrown out that their amendments cannot have interfered with any appropriation, because in point of fact the appropriation for railways is not made in the Construction Act, but by an annual estimate submitted to Parliament in pursuance of one of its clauses. The intention of this clause has been entirely misunderstood. It does not give the Assembly the right, after certain lines have been authorized in an Act of Parliament to determine which of them shall be made and which abandoned;—such a right indeed might sanction a grave breach of public faith;—it simply gives them the power of keeping a salutary check over the Railway Department, by a yearly audit, so that among the lines authorized by the Construction Act none shall be unduly favored or unduly postponed. The clause is in these terms:—

"Before any expenditure shall be made or contract entered into for the construction of the *aforesaid railways* or the purchase of land, an estimate of the expenditure which the Board propose to incur for the said purposes during the *ensuing twelve months*, and also a statement showing the works or purposes for or in respect of which the moneys during the *preceding year may have been applied*, shall be laid before both Houses of Parliament, and the *aforesaid estimate* shall be submitted for the sanction of the Legislative Assembly in the same manner as the annual Estimates of Expenditure for the public service."

The Assembly have endeavored, at the risk of tediousness, to traverse the entire field of this controversy, so that their claims, and the precise grounds of them, may be distinctly understood by the Council, and to answer in good faith and courtesy, as far as they are acquainted with them, all the arguments relied upon in resisting them. They earnestly invite the Council to take their reasons into favorable consideration, and to be mindful of the duty under which the Assembly lies not to abandon the special functions it was created to exercise.

The Assembly contend that these "special functions" have been invaded. They submit that it has been shown:

- (1.) That the Bill "authorizing the construction of certain railways by the State" appropriates a part of the revenue of Victoria, or, what amounts to the same thing, the proceeds of debentures which the revenue will have to redeem.
- (2.) That the amendments made by the Council involve the expenditure of public money, authority for the payment of which did not originate in the Assembly.
- (3.) That such amendments have been made in defiance of the 56th section of the Constitution Act, and also in violation of the 34th section, and of the express agreement made and adopted by the Council on the 21st May 1867, which fix the power and procedure of the Council in relation to all Bills of Aid and Supply as identical with the corresponding power and procedure of the House of Lords.

No proposition is more certain than that a public work involving expenditure, direct or consequential, can originate in no other place in England than in the House of Commons, and can originate in no other place in the colony of Victoria than in the Assembly. The privilege of authorizing, limiting, and controlling the public expenditure, in all cases whatever, was bestowed on the Assembly for important public ends, in which the interests of their constituents and the country generally are involved; and it is their clear duty and fixed determination to preserve this privilege intact.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—RAILWAY CONSTRUCTION BILL AMENDMENTS.—The Honorable R. S. Anderson moved, That a Select Committee be appointed to prepare a reply to the statement of the Assembly just read on the subject of their alleged privileges.

Debate ensued.

Question—put and passed.

The Honorable R. S. Anderson moved, That the following be the Members of the Select Committee:—

The Honorables Sir C. Sladen, F. T. Sargood, N. Fitzgerald, J. Balfour, J. Graham, T. T. a'Beckett, J. Cumming, Sir S. Wilson, and the Mover.

Debate ensued.

HONORABLE W. WILSON.—The President having called upon the Honorable W. Wilson by name, the Honorable W. Wilson declined to withdraw from the Council Chamber when requested to do so by the President.

The Honorable Sir C. Sladen moved, That the Honorable W. Wilson be held guilty of contempt.

Question—put and passed.

The Honorable W. Wilson retired from the Council Chamber in custody of the Usher, by direction of the President.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—RAILWAY CONSTRUCTION BILL AMENDMENTS.—

Debate resumed.

Question—That the following be the Members of the Select Committee:—The Honorables Sir C. Sladen, F. T. Sargood, N. Fitzgerald, J. Balfour, J. Graham, T. T. a'Beckett, J. Cumming, Sir S. Wilson, and the Mover—put and passed.

WATERWORKS ACT 1865 AMENDMENT BILL.—CONSIDERATION OF MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable H. Cuthbert moved, That the Council agree to the following amendment made by the Legislative Assembly in the amendment made by the Council in clause 1, line 8 of the Bill :—

Omit all words from first word “and” and insert instead “the following words and expressions, that is to say, ‘the Board,’ ‘sewer,’ ‘street,’ and ‘irrigation,’ wherever used in this or in the principal Act or in the sections hereby adopted and incorporated shall have and bear the like meanings respectively as are assigned to them in and by the fourth section of “*The Public Works Statute 1865*,” unless there be something in the subject or context repugnant to such construction.”

Debate ensued.

Question—put and passed.

The Honorable H. Cuthbert moved, That the Council do not insist on their amendment in clause 2, line 1, page 2, viz:—After “inclusive” insert “two hundred and forty-seven.”

Debate ensued.

Amendment moved by the Honorable Sir C. Sladen, That the Council do insist on their amendment.

Question—That the Council do insist on their amendment—put and passed.

The Honorable Sir C. Sladen moved, That the Council do insist on their amendment to leave out clause 8 of the Bill.

Question—put and passed.

The Honorable Sir C. Sladen moved, That the Select Committee appointed this day to prepare a reply to the statement of the Assembly on their alleged privileges, be appointed to prepare, also, reasons for insisting on the amendments in “*The Waterworks Act 1865 Amendment Bill*.”

Question—put and passed.

BEECHWORTH WATERWORKS ACT 1860 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 H. Cuthbert, was read a third time and passed.

The Honorable H. Cuthbert moved, That the title of the Bill be “*An Act to amend the Beechworth Waterworks Act 1860*.”

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.

REASONS OF LEGISLATIVE ASSEMBLY—SELECT COMMITTEE ON.—The Honorable Sir C. Sladen, with leave of the Council, moved, without notice, That the Select Committee appointed to prepare a reply to the statement of the Assembly, on the subject of their alleged privileges, have power to meet on days on which the Council does not sit.

Question—put and passed.

HONORABLE W. WILSON.—The Honorable H. Cuthbert, with leave of the Council, moved, That the Honorable W. Wilson be permitted to resume his place, in order to apologize for the use of words offensive to the President and to the House.

Question—put and passed.

The Honorable W. Wilson, having entered the Council Chamber, apologized to the President and to the Council.

The Honorable H. Cuthbert moved, That the Honorable W. Wilson be relieved from contempt, and that the fees incurred be not enforced.

Question—put and passed.

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

Question—put and passed.

The Council adjourned at twenty minutes past six o'clock until half-past four o'clock on Thursday, the 15th instant.

ORDER OF THE DAY.

TUESDAY, 20TH NOVEMBER 1877.

ORDER OF THE DAY:—

1. **INSOLVENCY LAW AMENDMENT BILL.**—To be read a second time.

MEETINGS OF SELECT COMMITTEES.

Wednesday, 14th November.

REASONS OF LEGISLATIVE ASSEMBLY—at two o'clock.

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

Tuesday, 20th November.

MINING ON PRIVATE PROPERTY BILL—at half-past two o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 15TH NOVEMBER, 1877.

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 amalgamate the City of Melbourne Gas and Coke Company, the Collingwood, Fitzroy and District Gas and Coke Company, and the South Melbourne Gas Company, and to incorporate a Company to be called 'The Metropolitan Gas Company,' and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Council Chamber,
Melbourne, 15th November, 1877.

C. GAVAN DUFFY,
Speaker.

METROPOLITAN GAS COMPANY BILL.—The Honorable F. T. Sargood moved, That a Message be sent to the Legislative Assembly requesting that they will be pleased to communicate to this House copies of the Report and Evidence taken before the Committee of the Assembly to which this Bill has been referred during the present Session of Parliament.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to provide for the Regulation and Inspection of Mines,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill, have disagreed to others, and have agreed to other amendments with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 15th November, 1877.

C. GAVAN DUFFY,
Speaker.

REGULATION AND INSPECTION OF MINES BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Honorable H. Cuthbert moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the construction by the State of a Line of Railway from Melbourne to Oakleigh,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 14th November, 1877.

C. GAVAN DUFFY,
Speaker.

GIPPSLAND RAILWAY CONSTRUCTION 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 Tuesday, the 20th instant.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the construction by the State of a Line of Railway to be called the Goulburn Valley Railway,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 15th November, 1877.

C. GAVAN DUFFY,
Speaker.

GOULBURN VALLEY RAILWAY 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 Tuesday, the 20th instant.

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 enable the Liverpool and London and Globe Insurance Company to sue and be sued in the Colony of Victoria in the name of the Company and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 15th November, 1877.

C. GAVAN DUFFY,
Speaker.

LIVERPOOL AND LONDON AND GLOBE INSURANCE COMPANY BILL.—The Honorable Dr. Dobson moved, That a Message be sent to the Legislative Assembly, requesting that they will be pleased to communicate to this House copies of the Report and Evidence taken before the Committee of the Assembly to which this Bill has been referred during the present Session of Parliament.

Question—put and passed.

PAPER.—The Honorable H. Cuthbert laid upon the Table the following Paper :—

Land Act 1869.—Estimate of land to be sold in the year 1877-8.

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 copies of the Report and Proceedings from the Select Committee appointed during the present Session on the Bill intituled "*An Act to amalgamate the City of Melbourne Gas and Coke Company, the Collingwood, Fitzroy, and District Gas and Coke Company, and the South Melbourne Gas Company, and to incorporate a Company to be called 'The Metropolitan Gas Company,' and for other purposes,*" in accordance with the request of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, November, 1877.

C. GAVAN DUFFY,
Speaker.

METROPOLITAN GAS COMPANY BILL.—The Honorable F. T. Sargood produced a receipt, showing that the sum of Twenty pounds had been paid by the promoters of this Bill into the hands of the Colonial Treasurer for the public uses of the colony, and moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable F. T. Sargood moved, That the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council copies of the Report and Proceedings from the Select Committee appointed during the present Session, on the Bill intituled "*An Act to enable the Liverpool and London and Globe Insurance Company to sue and be sued in the Colony of Victoria in the name of the Company, and for other purposes,*" in accordance with the request of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, November, 1877.

C. GAVAN DUFFY,
Speaker.

LIVERPOOL AND LONDON AND GLOBE INSURANCE COMPANY BILL.—The Honorable Dr. Dobson produced a receipt, showing that the sum of Twenty pounds had been paid by the promoters of this Bill into the hands of the Colonial Treasurer for the public uses of the colony, and moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable Dr. Dobson moved, That the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

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

ORDERS OF THE DAY.

TUESDAY, 20TH NOVEMBER, 1877.

ORDERS OF THE DAY:—

1. INSOLVENCY LAW AMENDMENT BILL.—To be read a second time.
 2. REGULATION AND INSPECTION OF MINES BILL.—Consideration of Message from Legislative Assembly.
 3. GIPPSLAND RAILWAY CONSTRUCTION BILL.—To be read a second time.
 4. GOULBURN VALLEY RAILWAY BILL.—To be read a second time.
 5. METROPOLITAN GAS COMPANY BILL.—To be read a second time.
 6. LIVERPOOL AND LONDON AND GLOBE INSURANCE COMPANY BILL.—To be read a second time.
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MEETINGS OF SELECT COMMITTEES.

Monday, 19th November.

REASONS OF LEGISLATIVE ASSEMBLY—at three o'clock.

Tuesday, 20th November.

MINING ON PRIVATE PROPERTY BILL—at half-past two o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 20TH NOVEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

REASONS OF LEGISLATIVE ASSEMBLY.—RAILWAY CONSTRUCTION BILL AMENDMENTS.—REPORT OF SELECT COMMITTEE.—The Honorable R. S. Anderson brought up a Report from the Select Committee, appointed on the 13th instant, to prepare a reply to the statement of the Assembly of their alleged privileges.

The Report was read at the Table by the Clerk as hereunder set forth :—

“The Select Committee appointed to prepare a reply to the Message of the Legislative Assembly on the Railway Construction Bill lately before the Council, have the honor to report as follows to your Honorable House :—

“The Message of the Assembly ranges over many subjects, some of which have little or no connection with the Railway Construction Bill. They have therefore passed over some statements which might demand a reply, if the occasion made it necessary, and they mention the fact lest it should be thought hereafter that the validity of an unchallenged statement is necessarily admitted.

“There is one statement, however, which, having no connection with the Bill, they have thought it necessary to traverse, viz., in alluding to the ‘legal right of rejection’ by the Council, it is added in a parenthesis ‘(which is in effect merely a suspensive vote).’

“To have passed over without remark a statement so unfounded, that it cannot be called even an inference from anything contained in the Constitution Act, seemed to your Committee undesirable. They have therefore in this, and one or two other instances, been compelled to discuss points which have no direct connection with the Railway Construction Bill.”

They recommend that the following reasons, in reply to the Message referred to your Committee, be sent to the Assembly :—

The Legislative Council thank the Legislative Assembly for their specific statement of the grounds upon which they consider that their privileges have been invaded by the amendments made by the Council in the Railway Construction Bill, and the Council having, in accordance with the invitation of the Assembly, given careful consideration to the arguments set forth in that statement, transmit to the Assembly the following reply thereto.

The Council do not deem it necessary to enter into an argument with the Legislative Assembly as to the powers the Assembly “was created to possess,” nor as to the “intentions of the Select Committee who framed the Constitution” as expressed “in a Report to the old Legislative Council.” They are satisfied to rely upon the Constitution Act as it appears upon the Victorian Statute Book, and cannot recognize any authority in the matter of legislation drawn from any other source.

The Council desire to remind the Assembly that a Message was sent to the Assembly by the Council on the 3rd October 1865, requesting their concurrence in the following resolutions, viz. :—

1. “That it is expedient that the differences which have arisen between the Legislative Council and the Legislative Assembly, relating to the interpretation of the Constitution Act, should be referred to the Judicial Committee of the Privy Council, pursuant to the Act of the Imperial Parliament, 3 & 4 William IV, c. 41, s. 4.

2. “That it is desirable that a Joint Address be presented to the Queen, praying Her Majesty to refer such differences accordingly.

3. “That such Address should be prepared by Committees to be appointed by both Houses for that purpose.”

The Assembly sent the following reply :—

1. That while the Legislative Assembly desire that the differences between the Houses be determined as speedily as possible, they are of opinion that it is inexpedient, under any circumstances, that such differences should be referred, as proposed by the Legislative Council, to the Judicial Committee of the Privy Council.

2. That if the Legislative Council see fit to invite the Legislative Assembly to confer upon the subject generally, the Legislative Assembly are prepared to appoint a Committee to confer with a Committee of the Legislative Council.

It is manifestly impossible, as experience proves, for the two Houses to reconcile their conflicting views and opinions in interpreting the Constitution Act.

The Judicial Committee of the Privy Council is the only tribunal in existence competent to express an authoritative decision in the matter, and to it the Council are, as they ever have been, willing to submit the case. But if the Assembly still insist that it is "inexpedient, under any circumstances, that the differences between the Houses should be referred to that tribunal," the Council can only hope that mutual forbearance will be exercised. The assertion of disputed claims can only lead to interruptions of the public business, and of that good feeling which is so essential to the efficient working of Parliamentary Institutions.

The Council cannot admit that the 34th section of the Constitution Act in any manner controls or enlarges the Legislative power conferred by that Act. It merely provides for the temporary adoption of such rules, forms, and usages of the Imperial Parliament as were necessary to give due formality to communications between the two Chambers, until they could, subject to the great empowering enactment—the Constitution Act—provide for all needs by adopting Standing Orders; and the section declares—"That no Standing Rule or Order which shall affect the communication between the said Council and Assembly, or the proceedings of the said Council and Assembly collectively, shall be of any force unless the same shall have been adopted both by the said Council and Assembly,"—thus leaving the regulation of all such matters entirely to such rules as the two Houses might agree upon, subject always to the provisions of the Constitution Act.

The words of the 34th section state as distinctly as words can state anything, that no Rule or Order affecting the proceedings of the Council and Assembly collectively can have any force unless adopted by both Houses, and approved by the Governor, and it cannot be reasonably contended that the Assembly, by passing their Standing Order 273, which declares that they will waive certain alleged privileges, thereby established their possession of privileges which had not at the time of the passing the Standing Order any existence.

As the 273rd Standing Order of the Assembly has never been submitted to the Council it is to them as if it had no existence. The Legislative Assembly would probably make the same remark with regard to the 38th Standing Order of the Council, which provides "That all questions of finance or addresses to the Crown relating thereto shall first be considered in Committee of the whole House." But nevertheless the Council have thus recorded their right to have a voice also in questions of finance.

The Joint Standing Orders themselves are fatal to the pretensions now put forward by the Assembly, for they do not contain one word calculated to import into Victoria any of the peculiar relations between the Houses of Lords and Commons.

The separate Standing Orders of each House on the other hand provide that, as regards each House separately, in all cases not especially provided for, resort shall be had to the rules, forms, usages, and practice of the Imperial Parliament of Great Britain and Ireland in the one case, of the Commons House of Parliament in Great Britain and Ireland in the other, so far as the same may be applicable to the proceedings of each body separately.

The Conference Committees of 1867 recommended that a Joint Standing Order should be framed to accomplish, if possible, the object they then had in view; but, as will be shown, the attempt to frame such an Order failed.

The recommendation in the Progress Report of the Conference Committees is described in the Reasons of the Assembly as a formal agreement finally recognized between the two Houses; but such was not the case, as will appear by the following statement of facts, of which an incomplete narrative is given in those Reasons.

It is correctly recited therein that Committees of both Houses conferred together about the course of procedure with "Bills the primary but not the only object of which is the imposition of any duty, rate, tax, rent, return, or impost."

It is also correctly recited that the Conference Committees recommended (in a Progress Report) that the Council and Assembly should be guided by the precedents established respectively by the Houses of Lords and Commons.

It is also correctly recited that the Council and Assembly severally adopted in May 1867 the Progress Report of the Conference Committees, but at this point the recital stops; although it professes to be a "history of the agreement," and although important events occurred subsequently.

In continuance of the narrative, the Council would point out that the same Committees conferred again repeatedly in June 1867, and on the 18th of that month made another Report recommending that "*The object of the resolution contained in the said Progress Report should, if possible, be accomplished by means of a Joint Standing Order of both Houses, and that each House should cause the Standing Orders and Joint Standing Orders to be considered, with a view to make them consistent with that resolution.*"

It will thus be seen that not only was the resolution quoted in the Reasons of the Assembly insufficient to authorize a change of practice, but that it was known and stated to be so at the time; and doubts would almost seem to have been suggested by the use of the words "*if possible*" of the power of the Houses to accomplish, even by a Joint Standing Order, the object of the resolution erroneously cited as a completed agreement.

The Council, however, complied with the recommendation of the Conference Committees, and referred both Reports to the Committee on the Standing Orders. The Standing Orders Committee performed its part, and on the 6th August, 1867, brought up a Progress Report embodying "*as far as seems practicable the determination of the Conference Committees.*"

The journals of the Assembly show that on the 9th July, 1867, the Reports of the Conference Committees were referred to the Standing Orders Committee of the Assembly, and that a Report was made on the 24th July to the Assembly.

The Standing Orders Committee of the Council recommended that it should be—

Resolved—

That the following alterations and additions be made in the Joint Standing Orders of the Legislative Council and Legislative Assembly :—

J.O. (2.) That the second Joint Standing Order be read as follows:—Messages from one House to the other shall be in writing, and shall be communicated by the Clerk Assistant of each House respectively, unless the House transmitting the Message shall otherwise direct, and shall be received by either House, although the other House be not then sitting.

J.O. (15.) That the fifteenth Joint Standing Order be read as follows:—The three fair prints of all Bills, except the Appropriation Bill and Bills of Supply and Tax Bills, shall be presented to the Governor for Her Majesty's Assent by the Clerk of the Parliaments.

J.O. (26.) That the Bills required by the 56th section of the Constitution Act to originate in the Legislative Assembly shall, so far as regards the subject matter thereof, be framed in accordance with the practice of the Lords and Commons respectively in regard to Bills of the like nature.

The attempt of the Committee of the Council to compose the requisite Joint Standing Order resulted only in a recommendation that the Bills described in the 56th section of the Constitution Act should be framed in a particular manner.

The Standing Orders Committee of the Assembly appears to have found it still more difficult to comply with the request to prepare the required Joint Standing Order. The recommendation of the Assembly Committee was merely, that the Joint Standing Order No. 15 (*i.e.*, "The three fair prints of all Bills, except the Appropriation Bill when passed; shall be presented to the Governor for Her Majesty's Assent by the Clerk of the Parliaments") should be repealed, and the following Standing Order be adopted :—

"The three fair prints of all Bills, except Appropriation Bills and Bills of Free Gift when passed, shall be presented to the Governor for Her Majesty's Assent by the Clerk of the Parliaments. All Appropriation Bills and Bills of Free Gift shall, when printed, be furnished by the Clerk of the Parliaments to the Speaker of the Legislative Assembly for presentation by him to the Governor for Her Majesty's Assent."

These divergent reports only made one thing clear, *viz.*, that the Conference Committees exercised a wise forecast in doubting the possibility of giving effect to their recommendations.

The Council Standing Orders Committee, in attempting to grapple with the question, limited its proposition solely to the class of Bills (necessarily limited in number) mentioned in the 56th clause of the Constitution Act, and to the framing of such Bills with regard to their subject matter.

The Assembly Committee did not grapple with the question at all, but drew up a draft order upon the ceremonial act of presentation of Bills for the Royal Assent.

Such divergent reports could lead to nothing, and nothing was done; and not only was nothing done at the time "to accomplish the object" sought by the Conference Committees and by the two Houses, but the matter was not submitted for discussion in either House in 1867, and has not been revived in any subsequent session.

So far, therefore, from there having been a clear, formal, and final recognition of the principle contended for by the Assembly in 1867 as asserted in the Reasons of the Assembly, nothing at all resulted from the Conference to which they have called attention; and the Council cannot but express surprise that the Assembly now designates as an agreement that which was never matured, and never brought to the stage described by its originators as necessary to give it effect if possible. And they are constrained to remind the Assembly that they could have no grounds for supposing that the Assembly would thus endeavor to galvanize into life a project which never reached the stage declared essential to its vitality.

Such is the complete history of the events of which the Reasons of the Assembly narrate only the preliminary proceedings.

The Council would not wish it to be inferred that they would be loth to carry out any agreement actually made; but the facts show that no agreement was made, and that the steps declared to be necessary to accomplish the object of the Progress Report, if it were even possible to do so, were never taken by either House. It is undeniable that the 34th clause of the Constitution Act deprives of validity any Standing Rule or Order "affecting the proceedings of the Council and the Assembly collectively," unless it be adopted both by the Council and Assembly, "and approved by the Governor."

The Council are unable to see any force in the statement of the Assembly, that the right of the Council to amend any portion of a general measure containing clauses of appropriation, or imposing a duty, rate, tax, rent, return, or impost "has not been questioned since the date of the agreement." The Council had, previously, *i.e.*, from 1857 to 1867, been in the habit of making such amendments in Bills, and the Assembly had been in the habit of agreeing to many of them. The practice has therefore been continuously uniform.

The Council think it necessary to remind the Assembly that the circumstances which occurred in 1866 with regard to the form of Preambles of Bills were not calculated to lead the Council to believe that the Assembly desired to adhere to arrangements made at that period.

In April 1866, Committees of both Houses in conference upon differences with respect to a Bill of Supply agreed upon a form of Preamble. The Appropriation Bill of 1866 when sent from the Assembly to the Council contained the form of Preamble agreed to by the Conference Committees.

In the Appropriation Bill of the following year that form was not used, but the form condemned by the Conference Committees was reverted to, and has since been inserted in such Bills, and in Bills of Aid and Supply, notwithstanding the arrangement made and respected by both Houses in 1866.

As this deviation from an arrangement about the form of Preamble seems to have escaped the recollection of the Assembly, it will perhaps not be superfluous to set out the words of the Preamble to the Appropriation Bill in 1866, which were as follow :—

“ MOST GRACIOUS SOVEREIGN—

“ Whereas we Your Majesty’s most dutiful and loyal subjects the Legislative Assembly of Victoria in Parliament assembled towards making good the supply which we have cheerfully *voted* to Your Majesty have resolved to *vote* unto Your Majesty the sums herein—
“ after mentioned we do therefore most humbly beseech Your Majesty that it may be enacted
“ and Be it enacted ” &c., &c., &c.

The form was changed by the Assembly in 1867 to the following, which appears as the Preamble to the Appropriation Bill of that year :—

“ MOST GRACIOUS SOVEREIGN—

“ We Your Majesty’s most dutiful and loyal subjects the Legislative Assembly of Victoria in Parliament assembled towards making good the supply which we have cheerfully
“ *granted* to Your Majesty in this session of Parliament have resolved to *grant* unto Your
“ Majesty the sums hereinafter mentioned and do therefore most humbly beseech Your
“ Majesty that it may be enacted and Be it enacted ” &c., &c., &c.

The latter form, which it will be seen differs essentially from the one agreed upon, has been prefixed to the Consolidated Revenue Bills of the present year.

The change made in 1867 was made the subject of special conference between Committees of the Houses, but the Assembly did not consent to revert to the form of Preamble agreed upon in 1866.—The form last set forth has been adopted by the Assembly ever since; but the Council on the first occasion of passing a Bill with such a Preamble, in 1868 (13th July), and on several subsequent occasions passed Bills with the following protest :—

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

The Council have called attention to this controversy as to the form of Preamble (which the Standing Orders Committee of the Assembly, as above recited, designated the Free Gift Preamble), because in this Preamble the Assembly pretend to assert a right inherent in them alone to grant Supplies to Her Majesty irrespective of the Council; and so to assume the exclusive powers claimed by the House of Commons in the Imperial Parliament in all questions of public money, which the Council have invariably maintained are not warranted by our Statutory Constitution.

The Council notice the statement that “ it is not contended that they can make no amendment in the Railway Construction Bill; ” but they cannot accept the inference which appears to be drawn by the Assembly, that their unquestioned power in the matter springs from the abortive resolution of 1867, previously commented upon.

The Council cannot concur with the argument that any of their amendments in the Railway Construction Bill were in violation of the 56th section of the Constitution Act.

The Bill was certainly not “ a Bill for appropriating ” any portion of the Revenue, nor did the Assembly consider it such a Bill; for in that case it would have been required to be introduced by Message from the Governor. It surely is unnecessary to remind the Assembly that a Bill for appropriating any part of the Revenue of Victoria is the only Appropriation Bill the Council are precluded by the Constitution Act from altering or amending.

In introducing the words “ with a view to the exercise of running powers by the Victorian Railways over the railway lines of the Melbourne and Hobson’s Bay United Railway Company, ” the Council contend that they have not infringed the rights of the Assembly, inasmuch as the clause in the Railway Construction Bill so amended did not appropriate Revenue.

It would appear as if the Assembly considers appropriation and expenditure as convertible terms; a view in which the Council are unable to concur.

The money is appropriated by the Loan Act and expended under the Railway Construction Act.

In the Reasons already sent to the Assembly, the Council have recorded the fact that the 56th section of the Constitution Act is the only one which qualifies the equal powers of legislation conferred on both Houses by the 1st section.

If the 56th section were not in the Act no one could pretend that any limitation upon the powers of the Council had been imposed. It follows that the limitation in the 56th section must be read in the plain words of the Act, and not strained or enlarged. It would be a waste of words to dwell upon the point that that section contains nothing whatever to justify the claims now put forward by the Assembly as applicable to the Railway Construction Bill; and yet, without that section, there is clearly nothing in the Constitution which establishes any difference whatever between the powers of the two Houses.

The statement that “ The legal right of rejecting Bills is in effect merely a suspensive vote ” is one which the Council cannot accept as justified by the Constitution Act. To recognize it as

valid would be, in the opinion of the Council, to defeat one of the main safeguards of the Constitution and to admit that an elective body like the Council is not to be trusted with powers which have been freely exercised by nominee Councils in other colonies ;—more especially as the privileges, immunities, and powers of the Legislative Council equally with those of the Legislative Assembly are by the Statute 20 Vict. No. 1 declared to be those of the Commons House of Parliament of Great Britain.

The Council observe that it is stated in the Reasons of the Assembly that the intention of the 9th clause of the Railway Construction Bill has been misunderstood. The clause required that before any expenditure should be made or contract entered into for the construction of the enumerated Railways, an estimate should “be submitted for the sanction of the Legislative Assembly in the same manner as the annual Estimates of expenditure for the public service.”

The Council are not aware whether any person has misunderstood these words or not, but they hold that the money now available for expenditure was appropriated by the Loan Act of 1876, and that the Railway Construction Bill could only, by distorted reasoning, be represented as a Bill for appropriating any part of the public money.

For the foregoing reasons, the Council would firmly but with courtesy contend that none of their amendments in the Bill were in violation of the Constitution Act,—That none of them made expenditure necessary without separate legislation,—That what the Reasons of the Assembly designate as an express agreement, is distinctly shown by the proceedings of both Houses to have been an inchoate proposition, never matured by either House in the manner pointed out to both Houses by their Committees as essential to success, if success were possible.

Finally, the Council would express a hope that mutual forbearance and goodwill may characterize the two Houses, as they did for many years after the Constitution Act was brought into operation. That Act is definite, and it ought not to be difficult to adhere to it faithfully without giving offence.

The powers of the Legislative Council differ materially from those of the House of Lords. The Council is created by a statute which limits its powers and privileges, with certain defined exceptions, to those of the House of Commons. Its powers, like those of the Assembly, are created and are bounded by that enactment.

The Members of the Council take their seats, not in their own right, but for a limited term as representatives of the country ; and as each member in turn lays down his trust, the people have an opportunity of electing some other representative.

By such a Constitution, obeyed with good will by members of both Houses, using their mutual powers with forbearance, it would be disrespectful to the community to doubt that all wholesome legislation can be secured.

For these and the reasons previously transmitted to the Assembly, the Council maintain that their power to deal with a Railway Construction Bill is not in any sense limited by the Constitution Act as in the case of the Appropriation of Revenue ; that the course they have pursued is not new, but has been invariably adopted by them on previous occasions ; that they have not made and cannot legally make any waiver or enter into any agreement with the Assembly to forego any of the rights which the Constitution has vested in them.

The Council, in conclusion, assure the Assembly that it is and has been their desire at all times to respect and give careful consideration to the views and wishes of the Assembly ; and whilst trusting that they, the Council, will ever “be mindful of the duty under which the Assembly lies not to abandon the special functions it was created to exercise,” they would express a hope that the Assembly will also not be unmindful of the rights and duties which the Council were created to exercise and perform.

The Honorable R. S. Anderson moved, That the adoption of the Report be made an Order of the Day for to-morrow.

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 provide for the more convenient administration of the Extradition Acts 1870 and 1873,*” with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,

Legislative Assembly Chamber,
Melbourne, 20th November, 1877.

Speaker.

EXTRADITION 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 Thursday, the 22nd instant.

PAPER.—The Honorable H. Cuthbert laid upon the Table the following Paper :—

Deceased Persons, Duties on Estates of.—Rules made under Duties on Estates of Deceased Persons Statute 1870 (12th November, 1877).

Ordered to lie on the Table.

PETITION.—The Honorable Dr. Dobson presented a Petition from the Corporation of the City of Melbourne, and under the corporate seal thereof, praying that certain amendments may be made in the Metropolitan Gas Company Bill.

Petition received, and, on the motion of the Honorable Dr. Dobson, referred to the Committee of the Council to which the Bill may be referred.

WATERWORKS ACT 1865 AMENDMENT BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—REPORT OF SELECT COMMITTEE APPOINTED TO PREPARE REASONS.—The Honorable R. S. Anderson brought up a Report from the Select Committee appointed to prepare reasons for insisting on the amendments made by the Council in clauses 2 and 8 of "*The Waterworks Act 1865 Amendment Bill.*"

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

The Select Committee appointed by the Legislative Council to prepare reasons for insisting on the amendments made by the Council in "*The Waterworks Act 1865 Amendment Bill,*" have the honor to make the following Report :—

The Message of the Legislative Assembly stated that they disagreed with the amendments "because they were infringements of the privileges of the Legislative Assembly, inasmuch as they altered the proposed mode of collecting the rate."

Your Committee recommend that the following reasons be urged by the Council in insisting on the amendments :—

1. The Bill does not directly or indirectly appropriate any part of the Revenue of Victoria, or impose any duty, rate, tax, rent, return, or impost.

2. The clauses, the alteration of which is deemed by the Assembly to be an infringement of its privileges, have reference to sections in existing Acts which do not directly or indirectly appropriate any part of the Revenue of Victoria, or impose any duty, rate, tax, rent, return, or impost, nor do the said clauses, or the alterations proposed by the Council therein, have any such effect.

3. The amendment, to strike out the eighth clause of the Bill, in effect merely maintains the existing law (s. 8, "*Waterworks Act 1865*") which defines the manner in which charges and rates already levied are to be summarily recovered before a Court.

4. Analogously, the amendment made by the Council in the second clause only declines to substitute for the eighth clause of "*The Waterworks Act 1865*" the two hundred and forty-seventh clause of "*The Public Works Statute 1865,*" which latter clause deals only with the manner in which rates, charges, or sums already due are to be recovered by judicial process or by distress.

5. The Council therefore cannot understand how it can be contended that amendments relative to procedure before a court, or to distress and sale of goods for sums due by any person, can be alleged to involve any privilege of the Legislative Assembly.

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

Question—put and passed.

WATERWORKS ACT 1865 AMENDMENT BILL.—The Honorable R. S. Anderson moved, That this Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council have agreed to the amendments made by the Legislative Assembly on the amendments made by the Council in clause 1 of the Bill, and insist on the amendments made by the Council in clauses 2 and 8 of the Bill for the reasons now adopted.

Question—put and passed.

INSOLVENCY LAW AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable F. T. Sargood moved, That the Order of the Day be discharged from the Paper.

Question—put and passed.

REGULATION AND INSPECTION OF MINES BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable H. Cuthbert moved, That the Council agree to the following amendment made by the Legislative Assembly on the amendment made by the Council in clause 5 of the Bill :—

Omission of following words disagreed to, viz :—"and no person shall be so employed for more than forty-eight hours in any week, nor more than eight hours in any day." Remainder of amendment agreed to with following amendment, viz :—insert instead, "Provided that no person shall be deemed to be guilty of an offence against this Act for a contravention of that part of this section relating to the time for which persons shall not be employed below ground if he prove before any two justices that there were special circumstances to render such contravention necessary for the proper working of the mine, and that such contravention was not injurious to the workmen employed in the mine."

Question—put and passed.

The Honorable H. Cuthbert moved, That the Council agree to the following amendment made by the Legislative Assembly in the amendment made by the Council in clause 6, line 26 (subsection x.) :—

Omit "surface," insert "top."

Question—put and passed.

The Honorable H. Cuthbert moved, That the Council do not insist on their amendment in clause 6, line 41, after "mine."

Debate ensued.

Amendment moved by the Honorable F. T. Sargood, That the Council do insist on the amendment.

Debate ensued.

Question—That the Council do insist on the amendment—put.

Council divided.

Contents 15.

The Hon. W. Campbell
 Sir S. Wilson
 T. J. Sumner
 J. Balfour
 Dr. Dobson
 W. Highett
 F. T. Sargood
 R. D. Reid
 F. Robertson
 J. P. Bear
 T. F. Hamilton
 J. A. Wallace
 A. Fraser
 J. Henty
 R. Simson (*Teller*).

Not Contents, 10.

The Hon. Sir C. Sladen
 J. Buchanan
 N. Black
 G. W. Cole
 R. S. Anderson
 H. Cuthbert
 C. J. Jenner
 N. Fitzgerald
 G. F. Belcher
 J. Graham (*Teller*).

The question was therefore passed.

The Honorable H. Cuthbert moved, That the Council do not insist on their amendment in clause 6, line 2, page 6.

Amendment moved by the Honorable J. A. Wallace, That the Council do insist on the amendment. Debate ensued.

Question—That the Council do insist on the amendment—put.

Council divided.

Contents, 16.

The Hon. Sir C. Sladen
 Sir S. Wilson
 R. S. Anderson
 C. J. Jenner
 J. Balfour
 Dr. Dobson
 W. Highett
 F. T. Sargood
 R. D. Reid
 T. F. Hamilton
 J. P. Bear
 J. A. Wallace
 N. Fitzgerald
 A. Fraser
 J. Henty
 R. Simson (*Teller*).

Not Contents, 8.

The Hon. N. Black
 W. Campbell
 G. W. Cole
 H. Cuthbert
 J. Buchanan
 G. F. Belcher
 F. Robertson
 J. Graham (*Teller*).

The question was therefore passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council have agreed to some amendments made by the Assembly in amendments made by the Council in the Bill, and insist on the amendments made by the Council in clause 6, line 41, and in clause 6, line 2, page 6.

GIPPSLAND RAILWAY CONSTRUCTION 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 with amendments.

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

Question—put and passed.

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

“*Goulburn Valley Railway Bill*”—To be read a second time.

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

Question—put and passed.

Bill read a second time.

The Honorable J. Balfour moved, That the consideration of the Bill in Committee of the whole Council be made an Order of the Day for to-morrow.

Question—put and passed.

GOULBURN VALLEY RAILWAY 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 with amendments.

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

Question—put and passed.

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

MR. PRESIDENT—

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

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th November, 1877.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Law with respect to Manufacturing, Keeping, Selling, Carrying, and Importing Gunpowder and other explosive substances,*" with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th November, 1877.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act for the Continuation of an Expiring Law.*" Also, a Bill intituled "*An Act to Continue an Expiring Law,*" with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th November, 1877.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act for defraying the expenses of constructing and providing Forts and Armaments,*" with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th November, 1877.

MR. PRESIDENT—

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

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th November, 1877.

FRIENDLY SOCIETIES 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 Wednesday, the 21st instant.

EXPLOSIVE SUBSTANCES 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 Wednesday, the 21st instant.

EXPIRING LAW (DISEASES IN STOCK ACT) CONTINUATION 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 Wednesday, the 21st instant.

EXPIRING LAW (FENCING ACT) CONTINUATION 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 Wednesday, the 21st instant.

FORTS AND ARMAMENTS 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 Thursday, the 22nd instant.

DRAINAGE OF MINES 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 Thursday, the 22nd instant.

LIVERPOOL AND LONDON AND GLOBE INSURANCE COMPANY 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 consideration of the Bill in Committee of the whole Council be made an Order of the Day for to-morrow.

Question—put and passed.

The Council adjourned at twenty-five minutes to eleven o'clock until half-past four o'clock on Wednesday, the 21st instant.

ORDERS OF THE DAY.

WEDNESDAY, 21ST NOVEMBER, 1877.

Government Business.

ORDERS OF THE DAY:—

1. GIPPSLAND RAILWAY CONSTRUCTION BILL.—Adoption of Report.
2. GOULBURN VALLEY RAILWAY BILL.—Adoption of Report.
3. FRIENDLY SOCIETIES BILL.—To be read a second time.
4. EXPLOSIVE SUBSTANCES BILL.—To be read a second time.
5. EXPIRING LAW (DISEASES IN STOCK ACT) CONTINUATION BILL.—To be read a second time.
6. EXPIRING LAW (FENCING ACT) CONTINUATION BILL.—To be read a second time.

General Business.

ORDERS OF THE DAY:—

1. REASONS OF ASSEMBLY.—RAILWAY CONSTRUCTION BILL.—Adoption of Report of Select Committee.
2. METROPOLITAN GAS COMPANY BILL.—To be considered in Committee.
3. LIVERPOOL AND LONDON AND GLOBE INSURANCE COMPANY BILL.—To be considered in Committee.

THURSDAY, 22ND NOVEMBER.

ORDERS OF THE DAY:—

1. EXTRADITION BILL.—To be read a second time.
2. FORTS AND ARMAMENTS BILL.—To be read a second time.
3. DRAINAGE OF MINES BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Wednesday, 21st November.

MINING ON PRIVATE PROPERTY BILL—at half-past two o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 21ST NOVEMBER, 1877.

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 return to the Legislative Council the Bill intituled "*An Act to provide for the Regulation and Inspection of Mines,*" and acquaint the Legislative Council that the Legislative Assembly do not insist on disagreeing with the amendments insisted on by the Legislative Council in this Bill.

Legislative Assembly Chamber,
Melbourne, 20th November, 1877.

C. GAVAN DUFFY,
Speaker.

GIPPSLAND RAILWAY CONSTRUCTION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable H. 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 authorize the Construction by the State of a Line of Railway from Melbourne to Oakleigh.*"

The Honorable Sir C. Sladen moved, That the words "Melbourne to" be omitted from the title.

Question—That the words "Melbourne to" be omitted—put and passed.

The Honorable Sir C. Sladen moved, That the words "to Hawthorn" be inserted after the word "Oakleigh."

Question—That the words "to Hawthorn" be inserted—put and passed.

Question—That the title of the Bill be "*An Act to authorize the Construction of a Line of Railway from Oakleigh to Hawthorn*"—put and passed.

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

GOULBURN VALLEY RAILWAY BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable H. 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 Honorable H. Cuthbert moved, That the Bill be now read a third time.

The Honorable Sir C. Sladen moved, That in the last line but two of the Schedule the words "of the above line" be inserted after the word "deviation."

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

The Honorable Sir C. Sladen moved, That in the last line but one of the Schedule the words "on the western side and twenty chains on the eastern side" be inserted after the word "chains."

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

The Honorable Sir C. Sladen moved, That in the last line of the Schedule the words "on each side" be inserted after the word "chains."

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

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

Question—That the Bill do now *pass*—put and passed.

The Honorable H. Cuthbert moved, That the title of the Bill be “*An Act to authorize the construction by the State of a Line of Railway to be called the Goulburn Valley Railway.*”

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.

FRIENDLY SOCIETIES 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 amendments.

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

Question—put and passed.

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

“*Explosive Substances Bill*”—To be read a second time.

EXPIRING LAW (DISEASES IN STOCK ACT) CONTINUATION 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 without amendment.

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

The Honorable H. Cuthbert moved, That the title of the Bill be “*An Act for the Continuation of an Expiring Law.*”

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 LAW (FENCING ACT) CONTINUATION 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 without amendment.

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

The Honorable H. Cuthbert moved, That the title of the Bill be “*An Act to Continue an Expiring Law.*”

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.

REASONS OF ASSEMBLY.—RAILWAY CONSTRUCTION BILL.—REPORT OF SELECT COMMITTEE.—The Order of the Day for the adoption of the Report of the Select Committee appointed to prepare a reply to the statement of the Assembly of their alleged privileges being read, the Honorable R. S. Anderson moved, That the Report be now adopted.

Question—put and passed.

The Honorable R. S. Anderson moved, That a Message be sent to the Legislative Assembly with the Reasons prepared by the Select Committee.

Question—put and passed.

METROPOLITAN GAS COMPANY BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable J. Balfour moved, That the Bill be now considered in Committee.

Question—put and passed.

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

The President left the Chair.

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

The Honorable J. Balfour 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.

LIVERPOOL AND LONDON AND GLOBE INSURANCE COMPANY BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable Dr. Dobson moved, That the Bill be now considered in Committee.

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

The Council adjourned at ten minutes to seven o'clock until half-past four o'clock on Thursday, the 22nd instant.

ORDERS OF THE DAY.

THURSDAY, 22ND NOVEMBER, 1877.

ORDERS OF THE DAY:—

1. EXTRADITION BILL.—To be read a second time.
2. FORTS AND ARMAMENTS BILL.—To be read a second time.
3. DRAINAGE OF MINES BILL.—To be read a second time.
4. FRIENDLY SOCIETIES BILL.—Adoption of Report.
5. EXPLOSIVE SUBSTANCES BILL.—To be read a second time.
6. METROPOLITAN GAS COMPANY BILL.—Adoption of Report.
7. LIVERPOOL AND LONDON AND GLOBE INSURANCE COMPANY BILL.—Adoption of Report.

MEETING OF SELECT COMMITTEE.

Thursday, 22nd November.

MINING ON PRIVATE PROPERTY BILL—at half-past two o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 22ND NOVEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. Balfour presented a Petition signed by G. H. Taylor and others, styling themselves inhabitants of Boroondara and neighborhood, praying that the direct line of Railway to Oakleigh may not be sanctioned.

Petition received.

POSTPONEMENTS.—The following Orders of the Day were postponed :—

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

“*Forts and Armaments Bill*”—To be read a second time.

“*Drainage of Mines Bill*”—To be read a second time.

“*Friendly Societies Bill*”—Adoption of Report.

“*Explosive Substances Bill*”—To be read a second time.

METROPOLITAN GAS COMPANY 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. Balfour moved, That the Report be now adopted.

Question—put and passed.

The Honorable J. Balfour moved, That the third reading of the Bill be made an Order of the Day for the next day of meeting of the Council.

Question—put and passed.

LIVERPOOL AND LONDON AND GLOBE INSURANCE COMPANY 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 Dr. Dobson moved, That the Report be now adopted.

Question—put and passed.

The Honorable Dr. Dobson moved, That the third reading of the Bill be made an Order of the Day for the next meeting of the Council.

Question—put and passed.

MINING ON PRIVATE PROPERTY BILL.—REPORT OF SELECT COMMITTEE.—The Honorable J. A. Wallace brought up the Report of the Select Committee, to which was referred, on the 23rd ultimo, the Mining on Private Property Bill.

The Report was read at the Table by the Clerk.

The Honorable J. A. Wallace moved, That the Report be printed, with the Evidence and Appendices.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed :—

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

FORTS AND ARMAMENTS 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.

The Honorable Sir C. Sladen moved, That the debate be adjourned until Tuesday next.

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

DRAINAGE OF MINES 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 progress, and asked leave to sit again on Tuesday next.

Ordered.

FRIENDLY SOCIETIES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable H. 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 Honorable H. Cuthbert moved, That after the word "or," in clause 4, line 34, the following words be inserted, "to any person or persons appointed to manage any hall or building erected by such society or."

Question—put and passed.

The Honorable H. Cuthbert moved, That after the word "three" in clause 13, line 11, the following words be inserted, "nor more than five."

Question—put and passed.

The Honorable H. Cuthbert moved, That the Bill be now read a third time.

Question—put and passed.

Question—That the Bill do now *pass*—put and passed.

The Honorable H. Cuthbert moved, That the title of the Bill be "*An Act to amend and consolidate the Laws relating to Friendly Societies.*"

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.

EXPLOSIVE SUBSTANCES 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 F. T. Sargood moved, That the Bill be now re-committed on clause 22.

Question—put and passed.

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

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Bill with amendments in the twenty-second clause.

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

Question—put and passed.

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

Question—put and passed.

EXTRADITION 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 progress, and asked leave to sit again on Tuesday next.

Ordered.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 27TH NOVEMBER, 1877.

NOTICE OF MOTION:—

1. The Hon. J. A. WALLACE: To move, That the Report of the Select Committee to which was referred the Mining on Private Property Bill, be now adopted.

ORDERS OF THE DAY:—

1. METROPOLITAN GAS COMPANY BILL.—To be read a third time.
2. LIVERPOOL AND LONDON AND GLOBE INSURANCE COMPANY BILL.—To be read a third time.
3. FORTS AND ARMAMENTS BILL.—Adjourned debate on second reading.
4. DRAINAGE OF MINES BILL.—To be further considered in Committee.
5. EXPLOSIVE SUBSTANCES BILL.—To be read a third time.
6. EXTRADITION 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, 27TH NOVEMBER, 1877.

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 provide for the holding of Victorian Exhibitions,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 27th November, 1877.

C. GAVAN DUFFY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to extend the operation of the Waterworks Act 1865, and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 21st November, 1877.

C. GAVAN DUFFY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to abolish Dower,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 27th November, 1877.

C. GAVAN DUFFY,
Speaker.

INTERNATIONAL EXHIBITION 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 Wednesday, the 28th instant.

WATERWORKS BILL (2).—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 Wednesday, the 28th instant.

DOWER 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 Wednesday, the 28th instant.

PETITION.—The Honorable W. Campbell presented a Petition, signed by M. Armstrong and others, styling themselves residents of Kyneton and district, and praying that Payment of Members of Parliament may not be sanctioned in the Estimates.

Petition received.

The Petition was read at the Table by the Clerk.

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

Aborigines—Report of Royal Commission on.

Ordered to lie on the Table.

MINING ON PRIVATE PROPERTY BILL.—REPORT OF SELECT COMMITTEE.—The Honorable J. A. Wallace, in accordance with notice, moved, That the Report of the Select Committee, to which was referred the Mining on Private Property Bill, be now adopted.

Debate ensued.

Question—put and passed.

The Honorable H. Cuthbert moved, That the consideration of the Mining on Private Property Bill in Committee of the whole Council be made an Order of the Day for to-morrow.

Question—put and passed.

METROPOLITAN GAS COMPANY BILL.—The President having reported that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. Balfour, was read a third time and *passed*.

The Honorable J. Balfour moved, That the title of the Bill be “*An Act to amalgamate the City of Melbourne Gas and Coke Company, the Collingwood, Fitzroy, and District Gas and Coke Company, and the South Melbourne Gas Company, and to incorporate a company to be called ‘The Metropolitan Gas Company,’ 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.

LIVERPOOL AND LONDON AND GLOBE INSURANCE COMPANY BILL.—The President having reported 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 enable the Liverpool and London and Globe Insurance Company to sue and be sued in the Colony of Victoria in the name of the Company, 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.

FORTS AND ARMAMENTS BILL.—The Order of the Day for the resumption of the debate on the question—That this Bill be now read a second time—being read, the debate was resumed.

Amendment moved by the Honorable Sir C. Sladen, That all the words after the word “That” be omitted with a view to insert the following words instead thereof, “this Bill be laid aside, for the following reasons:—

“1. Because it sets out in the Preamble thereof—‘We Your Majesty’s most dutiful and loyal subjects the Legislative Assembly of Victoria in Parliament assembled, having considered the state, condition, and sufficiency of the means existing for the defence of Victoria, and being desirous to provide forthwith for the construction of certain works and the providing of armaments for the purposes of such defence, have cheerfully resolved to grant to Your Majesty the sums hereinafter mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted,’ &c.—and thereby pretends to assert that upon the Legislative Assembly alone devolves the duty of ascertaining and determining what is the condition and what the sufficiency of the means existing for the defence of Victoria, although the Constitution Act has charged the Legislative Council and the Legislative Assembly jointly and collectively with that duty; and because it thereby pretends to assert that with the Legislative Assembly alone dwells the exclusive right of determining what may be necessary for improving, strengthening, and perfecting the present condition and the existing means of defence, and what shall be the construction of the works and the nature of the armaments therefor, although the Constitution Act has entrusted to the Legislative Council and Legislative Assembly jointly and collectively the exercise of that right.

“2. Because in the words ‘We have resolved to grant to Your Majesty’ the Bill pretends to assert that the right of granting the sum or sums of money necessary for carrying out the above objects lies in the Legislative Assembly alone, although every grant out of the Consolidated Revenue is, under the Constitution Act, made dependent for its efficacy upon the joint action of the Legislative Council and the Legislative Assembly.

“3. Because the Bill contains a schedule commencing with the following heading—‘Sums proposed to be expended on Forts and Armaments at Port Phillip, in accordance with the recommendations of His Excellency Sir W. F. D. Jervois’—and thereby incorporates with and makes part and parcel of the Bill the report of Sir W. Jervois, upon which report, as containing matter of urgent and important public policy, affecting also Imperial interests, the Legislative Council claim to exercise a free, separate, and deliberate vote, but hitherto they have not been accorded the opportunity of exercising such vote, and owing to the form of the Bill they are prevented from exercising it, although anxious to render every assistance in securing the waters of Port Phillip from foreign attack.

“4. Because to pass the Bill in its present form, and with its present contents, will be in effect to neglect if not to shrink from the duty and responsibility imposed upon the Legislative Council by the Constitution Act, and to yield up to the Legislative Assembly the whole substantial legislative powers of the Parliament and to admit the justice of the claims of the Legislative Assembly as covertly asserted in the Bill,—claims however against which the Legislative Council hereby record their most solemn protest.”

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 this Bill be laid aside for the following reasons:—

1. Because it sets out in the Preamble thereof—“We Your Majesty’s most dutiful and loyal subjects the Legislative Assembly of Victoria in Parliament assembled, having considered the state, condition, and sufficiency of the means existing for the defence of Victoria, and being desirous to provide forthwith for the construction of certain works and the providing of armaments for the purposes of such defence, have cheerfully resolved to grant to Your Majesty the sums hereinafter mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted,” &c.—and thereby pretends to assert that upon the Legislative Assembly alone devolves the duty of ascertaining and determining what is the condition and what the sufficiency of the means existing for the defence of Victoria, although the Constitution Act has charged the Legislative Council and the Legislative Assembly jointly and collectively with that duty; and because it thereby pretends to assert that with the Legislative Assembly alone dwells the exclusive right of determining what may be necessary for improving, strengthening, and perfecting the present condition and the existing means of defence, and what shall be the construction of the works and the nature of the armaments therefor, although the Constitution Act has entrusted to the Legislative Council and Legislative Assembly jointly and collectively the exercise of that right.

2. Because in the words "We have resolved to *grant* to Your Majesty" the Bill pretends to assert that the right of granting the sum or sums of money necessary for carrying out the above object lies in the Legislative Assembly alone, although every grant out of the Consolidated Revenue is, under the Constitution Act, made dependent for its efficacy upon the joint action of the Legislative Council and the Legislative Assembly.

3. Because the Bill contains a schedule commencing with the following heading:—"Sums proposed to be expended on Forts and Armaments at Port Phillip, in accordance with the recommendations of His Excellency Sir W. F. D. Jervois"—and thereby incorporates with and makes part and parcel of the Bill the report of Sir W. Jervois, upon which report, as containing matter of urgent and important public policy, affecting also Imperial interests, the Legislative Council claim to exercise a free, separate, and deliberate vote, but hitherto they have not been accorded the opportunity of exercising such vote, and owing to the form of the Bill they are prevented from exercising it, although anxious to render every assistance in securing the waters of Port Phillip from foreign attack.

4. Because to pass the Bill in its present form, and with its present contents, will be in effect to neglect if not to shrink from the duty and responsibility imposed upon the Legislative Council by the Constitution Act, and to yield up to the Legislative Assembly the whole substantial legislative powers of the Parliament and to admit the justice of the claims of the Legislative Assembly as coverly asserted in the Bill,—claims however against which the Legislative Council hereby record their most solemn protest—put.

Council divided.

Contents, 20.

The Hon. Sir C. Sladen
 R. S. Anderson
 N. Black
 J. Graham
 W. Campbell
 T. J. Sumner
 R. Simson
 G. F. Belcher
 T. Bromell
 J. Balfour
 W. Highett
 F. T. Sargood
 T. F. Hamilton
 N. Fitzgerald
 J. P. Bear
 J. A. Wallace
 A. Fraser
 J. Henty
 C. J. Jenner
 Sir S. Wilson (*Teller*).

Not Contents, 2.

The Hon. G. W. Cole
 H. Cuthbert (*Teller*).

The question was therefore passed.

PETITION.—The Honorable J. A. Wallace presented a Petition, signed by W. L. Jones, styling himself Chairman of the Ballarat Mining Board, praying that certain amendments may be made in the Drainage of Mines Bill.

Petition received.

The Petition was read at the Table by the Clerk.

DRAINAGE OF MINES 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 Thursday next.

Ordered.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, 28th instant:—
 "Explosive Substances Bill"—To be read a third time.

EXTRADITION 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 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 provide for the more convenient administration of the Extradition Acts 1870 and 1873.*"

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.

PETITION.—The Honorable N. Fitzgerald, with leave of the Council, moved, without notice, That the Petition from W. L. Jones, on the subject of the Drainage of Mines Bill, presented to the Council this day, be printed.

Question—put and passed.

The Council adjourned at half-past nine o'clock until half-past four o'clock on Wednesday, the 28th instant.

ORDERS OF THE DAY.

WEDNESDAY, 28TH NOVEMBER, 1877.

Government Business.

ORDERS OF THE DAY :—

1. INTERNATIONAL EXHIBITION BILL.—To be read a second time.
2. WATERWORKS BILL (2).—To be read a second time.
3. MINING ON PRIVATE PROPERTY BILL.—To be considered in Committee.
4. EXPLOSIVE SUBSTANCES BILL.—To be read a third time.

General Business.

ORDER OF THE DAY :—

1. DOWER ABOLITION BILL.—To be read a second time.
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THURSDAY, 29TH NOVEMBER.

ORDER OF THE DAY :—

1. DRAINAGE OF MINES 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, 28TH NOVEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

INTERNATIONAL EXHIBITION 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.

Council divided.

Contents, 6.

The Hon. Sir C. Sladen
H. Cuthbert
T. T. a'Beckett
C. J. Jenner
J. P. Bear
G. F. Belcher (*Teller*).

Not Contents, 11.

The Hon. W. Campbell
R. Simson
Sir S. Wilson
J. Buchanan
W. Highbett
J. A. Wallace
A. Fraser
R. D. Reid
F. T. Sargood
J. Henty
R. S. Anderson (*Teller*).

The question was therefore negatived.

WATERWORKS BILL (2).—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 extend the operation of the Waterworks Act 1865, 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.

MINING ON PRIVATE PROPERTY BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable H. Cuthbert moved, That the Bill be now considered in Committee.

Question—put and passed.

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

The President left the Chair.

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

Ordered.

The Council adjourned at twenty minutes past ten o'clock until half-past four o'clock on Thursday, the 29th instant.

ORDERS OF THE DAY.

THURSDAY, 29TH NOVEMBER, 1877.

ORDERS OF THE DAY:—

1. DRAINAGE OF MINES BILL.—To be further considered in Committee.
2. MINING ON PRIVATE PROPERTY BILL.—To be further considered in Committee.
3. EXPLOSIVE SUBSTANCES BILL.—To be read a third time.
4. DOWER ABOLITION BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 29TH NOVEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable N. Fitzgerald presented a Petition signed by J. Wamsell and others, styling themselves electors of the electoral district of Maldon, praying that payment of Members of Parliament may not be sanctioned.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable N. Fitzgerald presented a similar Petition, signed by H. Kirkwood and others, styling themselves residents and electors in the electoral district of Mandurang.

Petition received.

The Petition was read at the Table by the Clerk.

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

Public Accounts.—Supplementary Regulation, 22 Vict. No. 86, (19th November, 1877).

Ordered to lie on the Table.

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

“Drainage of Mines Bill”—To be further considered in Committee.

MINING ON PRIVATE PROPERTY 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 Report of the Committee be now adopted.

Question—put and passed.

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

Question—put and passed.

EXPLOSIVE SUBSTANCES BILL.—The Order of the Day for the third reading of this Bill being called on, the Honorable H. Cuthbert moved, That the Order of the Day be discharged with a view to the re-committal of the Bill.

Question—put and passed.

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

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

The President left the Chair.

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

The Honorable H. Cuthbert moved, That the adoption of the Report be made an Order of the Day for Tuesday next.

Question—put and passed.

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

“Dower Abolition Bill”—To be read a second time.

DRAINAGE OF MINES 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 Tuesday next.

Ordered.

The Council adjourned at twenty-five minutes past ten o'clock until half-past four o'clock on Tuesday, the 4th proximo.

ORDERS OF THE DAY.

TUESDAY, 4TH DECEMBER, 1877.

ORDERS OF THE DAY:—

1. MINING ON PRIVATE PROPERTY BILL.—To be read a third time.
2. EXPLOSIVE SUBSTANCES BILL.—Adoption of Report.
3. DOWER ABOLITION BILL.—To be read a second time.
4. DRAINAGE OF MINES 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, 4TH DECEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. Balfour presented a Petition, signed by W. T. Molloy and others, styling themselves resident ratepayers of the electoral district of Boroondara, praying that payment of Members of Parliament may not be sanctioned.

Petition received.

PETITION.—The Honorable J. P. Bear presented a similar Petition, signed by G. H. Taylor and others, styling themselves inhabitants of Boroondara and the neighborhood.

Petition received.

The Petition was read at the Table by the Clerk.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend and consolidate the Laws relating to Friendly Societies,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in the Bill by the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 30th November, 1877.

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 from 'The Railway Loan 'Liquidation and Construction Account' established under the provision of section 42 of 33 Vict. 'No. 360,'*" with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 29th November, 1877.

RAILWAY LOAN APPLICATION 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 Wednesday, the 5th instant.

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

Retired Judges of the Supreme Court.

G. F. BOWEN,
Governor.

The Governor transmits to the Legislative Council a copy of a Despatch received from the Right Honorable the Secretary of State, relative to the titular distinction of retired judges of the Supreme Courts of the Australasian Colonies.

Government Offices,
Melbourne, 3rd December, 1877.

CIRCULAR.

Downing street, 29th August, 1877.

SIR,

I have the honor to inform you that the Queen has been graciously pleased to approve of my recommendation, that retired judges of the Supreme Courts of the Australasian Colonies may be allowed the privilege of bearing the title of Honorable for life within the colony, with precedence

next, in the case of retired Chief Justices, after the Chief Justice and before Puisne Judges, and in case of retired Puisne Judges next after the Puisne Judges.

You will in future be at liberty to recommend for submission to the Queen the name of any judge retiring from the Bench for these privileges.

I have, &c.,

The Officer Administering the Government of Victoria.

CARNARVON.

Defences of Victoria.

G. F. BOWEN,

Governor.

The Governor transmits to the Legislative Council a copy of a Despatch from the Secretary of State for the Colonies respecting the Defences of Victoria.

Government House,
Melbourne, 4th December, 1877.

VICTORIA.—No. 100.

Downing street, 3rd October, 1877.

SIR,

I have the honor to acknowledge the receipt of your Despatch, No. 95, of the 28th of July, enclosing for my information copies of the Preliminary Report on the Defences of Victoria furnished to you by Sir W. Jervois, R.E.; and also Reports on the Naval Defences of Victoria, by Commodore Hoskins, R.N.; Captain Townsend, R.N.; and Lieutenant Dugdale, R.N.

These very important Reports deserve the most serious attention. I have forwarded copies of them to the Secretary of State for War, and to the Lords Commissioners of the Admiralty, and I shall await with interest the receipt of information from you as to the action which will be taken upon them by the Government and Parliament of Victoria.

I have, &c.,

Governor

(Signed)

CARNARVON.

Sir G. F. Bowen, K.C.M.G., &c., &c., &c.

Ordered severally to lie on the Table.

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

1. Statistical Register, Victoria, 1876—

Part VII.—Interchange.

Part VIII.—Law, Crime, &c.

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

2. Australasian Statistics, 1876, with Introductory Report by Government Statist.

3. Telegraphic communication *via* Java.

Despatch (with enclosures) from the Right Honorable the Secretary of State (9th July 1877.)

Ordered severally to lie on the Table.

MINING ON PRIVATE PROPERTY BILL.—The Order of the Day for the third reading of this Bill being called on, the Honorable H. Cuthbert moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-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 H. Cuthbert 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 H. Cuthbert moved, That the Report be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Wednesday, the 5th instant.

EXPLOSIVE SUBSTANCES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable H. 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 amend the law with respect to manufacturing, keeping, selling, carrying, and importing Gunpowder and other explosive substances.*"

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 5th instant:—

"*Dower Abolition Bill*"—To be read a second time.

DRAINAGE OF MINES 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 Report be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Wednesday, the 5th instant.

The Council adjourned at five minutes past seven o'clock until half-past four o'clock on Wednesday, the 5th instant.

ORDERS OF THE DAY.

WEDNESDAY, 5TH DECEMBER, 1877.

Government Business.

ORDERS OF THE DAY :—

1. RAILWAY LOAN APPLICATION BILL.—To be read a second time.
2. MINING ON PRIVATE PROPERTY BILL.—To be read a third time.
3. DRAINAGE OF MINES BILL.—To be read a third time.

General Business.

ORDER OF THE DAY :—

1. DOWER ABOLITION BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 5TH DECEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable T. J. Sumner presented a Petition, signed by R. Jeffray and others, styling themselves electors in the electoral district of St. Kilda, and praying that payment of Members of Parliament may not be sanctioned.

Petition received.

The Petition was read at the Table by the Clerk.

RAILWAY LOAN APPLICATION 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 sanction the issue and application of certain sums of money from 'The Railway Loan Liquidation and 'Construction Account,' established under the provision of section 42 of 33 Vict. No. 360.*"

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.

MINING ON PRIVATE PROPERTY BILL.—The Order of the Day for the third reading of this Bill being read, the Honorable H. Cuthbert moved, That the Bill be now read a third time.

Debate ensued.

Motion by leave withdrawn.

The Honorable H. Cuthbert with leave of the Council moved, That the Order of the Day for the third reading of the Bill be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

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

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

The President left the Chair.

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

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

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Thursday, the 6th instant.

DRAINAGE OF MINES 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 H. Cuthbert, was read a third time and *passed*.

The Honorable H. Cuthbert moved, That the title of the Bill be "*An Act to amend the law relating to the Drainage of Mines.*"

Question—put and passed.

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

DOWER 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.

Amendment moved by the Honorable Sir C. Sladen, That the word "now" be omitted from the question, with a view to add the words "this day six months" after the word "time."

Debate ensued.

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

Contents, 11.

The Hon. Dr. Dobson
W. Wilson
C. J. Jenner
G. F. Belcher
J. Cumming
F. T. Sargood
R. D. Reid
J. Buchanan
J. P. Bear
J. A. Wallace
H. Cuthbert (*Teller*).

Not Contents, 11.

The Hon. Sir C. Sladen
N. Black
W. Campbell
R. Simson
Sir S. Wilson
T. J. Sumner
N. Fitzgerald
F. Robertson
T. F. Hamilton
A. Fraser
J. Balfour (*Teller*).

The President declared that the numbers being equal he gave his voice with the Not Contents.
The question was therefore negatived.

Question—That the words proposed to be added be so added—put and negatived.

PETITION.—The Honorable N. Fitzgerald presented a Petition, signed by J. T. Cardwell and others, styling themselves residents at Sandhurst, and praying that the House will not sanction the inclusion of any sum for payment of Members of Parliament in the Estimates.
Petition received.

PETITION.—The Honorable N. Fitzgerald presented a similar Petition, signed by C. Nicholson and others, styling themselves residents of Woodend and district.
Petition received.

The Council adjourned at half-past six o'clock until half-past four o'clock on Thursday, the 6th instant.

ORDER OF THE DAY.

THURSDAY, 6TH DECEMBER, 1877.

ORDER OF THE DAY:—

1. **MINING ON PRIVATE PROPERTY BILL.**—To be read a third time.

MEETING OF SELECT COMMITTEE.

Tuesday, 11th December.

PRINTING COMMITTEE—at four o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 6TH DECEMBER, 1877.

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 return to the Legislative Council the Bill intituled "*An Act to authorize the construction by the State of a Line of Railway to be called the Goulburn Valley Railway,*" and acquaint the Legislative Council that the Legislative Assembly have disagreed with the several amendments made in the Bill by the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 6th December, 1877.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to authorize the construction by the State of a Line of Railway from Melbourne to Oakleigh,*" and acquaint the Legislative Council that the Legislative Assembly have disagreed with the several amendments made in the Bill by the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 6th December, 1877.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the law with respect to manufacturing, keeping, selling, carrying, and importing Gun-powder and other explosive substances,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in the Bill by the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 6th December, 1877.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to sanction the issue and temporary application of certain sums of money from 'The Railway Loan Account 1876' and to provide for the repayment of such sums to such account;*" also a Bill intituled "*An Act for the continuation of an Expiring Law,*" with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 6th December, 1877.

GOULBURN VALLEY RAILWAY BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Honorable H. Cuthbert moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

GIPPSLAND RAILWAY CONSTRUCTION BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Honorable H. Cuthbert moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

RAILWAY LOAN ACCOUNT APPLICATION 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 Tuesday, the 11th instant.

PAYMENT OF MEMBERS 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 Tuesday, the 11th instant.

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

The Honorable H. Cuthbert moved, That the title of the Bill be "*An Act to provide for Mining for Gold and Silver on Private Property.*"

Question—put and passed.

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

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

ORDERS OF THE DAY.

TUESDAY, 11TH DECEMBER, 1877.

1. The Hon. C. J. JENNER: To ask the Postmaster-General when tenders will be called for the construction of the railway from Geelong to Queenscliff.

ORDERS OF THE DAY:—

1. GOULBURN VALLEY RAILWAY BILL.—Consideration of Message from Legislative Assembly.
2. GIPPSLAND RAILWAY CONSTRUCTION BILL.—Consideration of Message from Legislative Assembly.
3. RAILWAY LOAN ACCOUNT APPLICATION BILL.—To be read a second time.
4. PAYMENT OF MEMBERS BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Tuesday, 11th December.

PRINTING COMMITTEE—at four o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 11TH DECEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. Balfour presented a Petition, signed by Andrew Nelson and others, styling themselves residents of East Bourke and about Morang and Yan Yean, and praying that the Payment of Members Bill may be rejected.

Petition received.

PETITION.—The Honorable G. F. Belcher presented a similar Petition, signed by C. M. Farrington and others, styling themselves inhabitants of the Electoral District of Polwarth and South Grenville and neighborhood.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable R. S. Anderson presented a similar Petition from Echuca.

Petition received.

PETITION.—The Honorable F. T. Sargood presented a similar Petition from Melbourne.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable F. T. Sargood presented a similar Petition from Prahran.

Petition received.

PETITION.—The Honorable T. Bromell presented a similar Petition from the Western Province and Electorate of Dundas.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable N. Black presented a similar Petition from residents and electors in the county of Hampden.

Petition received.

PETITION.—The Honorable Sir C. Sladen presented a similar Petition from Geelong.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable Sir C. Sladen presented a similar Petition from Ballarat.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable G. F. Belcher presented a similar Petition from Queenscliff.

Petition received.

JOINT STANDING ORDER NO. 7.—The President pointed out that the requirements of the Joint Standing Order of both Houses of Parliament, No. 7, had not been complied with in the Message from the Legislative Assembly accompanying the Goulburn Valley Railway Bill, inasmuch as no reasons for disagreeing with the amendments made by the Council in the Bill had been transmitted in the communication from the Assembly.

ORDERS OF THE DAY.—The Honorable Sir C. Sladen moved, That the House do now proceed to the Orders of the Day.

Debate ensued.

Question—put and passed.

GOULBURN VALLEY RAILWAY BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable H. Cuthbert moved, That the Council do not insist on their amendments in the Bill.

Amendment moved by the Honorable Sir C. Sladen, That the Council do insist on their amendments in the Bill.

Question—That the Council do insist on their amendments in the Bill—put and passed.

GIPPSLAND RAILWAY CONSTRUCTION BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable Sir C. Sladen moved, That the Council do insist on their amendments in the Bill.

Question—put and passed.

MESSAGE TO THE LEGISLATIVE ASSEMBLY.—The Honorable Sir C. Sladen moved, That a Message be sent to the Legislative Assembly to acquaint them that the Council insist on their amendments in the Goulburn Valley Railway Bill, and in the Gippsland Railway Construction Bill; and, further, that the Legislative Council, in insisting on their amendments in the Goulburn Valley Railway Construction Bill and the Gippsland Railway Construction Bill, inform the Legislative Assembly that they have not sent any reasons for so insisting, as required under the Joint Sinding Order No. 7, because the Assembly, in disagreeing with the Council's amendments, appear to have overlooked the provisions of the above Order, viz., "That, when either House shall not agree to any amendment made by the other House in any Bill . . . with which its concurrence shall have been desired, . . . and any communication shall be desired, then the communication shall be by Message, and the House transmitting such Message shall at the same time transmit written reasons for not agreeing to the amendment proposed by the other House;"—and therefore the Council are not possessed of the circumstances under which the Legislative Assembly disagree with those amendments.

The Council, however, inform the Legislative Assembly that, if the latter will appoint a Committee to confer with a Committee of the Council as to the construction of the above lines of Railway, the Council will appoint a Committee for that purpose.

Question—put and passed.

RAILWAY LOAN ACCOUNT APPLICATION 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.

Amendment moved by the Honorable R. S. Anderson, That the word "now" be omitted from the question, with a view to insert the words "this day six months" after the word "time."

Debate ensued.

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

Council divided.

Contents, 7.

The Hon. W. Wilson
H. Cuthbert
G. W. Cole
R. D. Reid
T. F. Hamilton
J. Buchanan
T. T. a'Beckett (*Teller*).

Not Contents, 20.

The Hon. T. J. Sumner
N. Black
W. Campbell
Sir C. Sladen
J. Graham
J. P. Bear
Sir S. Wilson
J. Balfour
C. J. Jenner
W. Highett
J. A. Wallace
J. Henty
T. Bromell
R. Simson
Dr. Dobson
A. Fraser
G. F. Belcher
F. T. Sargood
N. Fitzgerald
R. S. Anderson (*Teller*).

The question was therefore negatived.

Question—That the words "this day six months" proposed to be added, be so added—put and passed.

Question—That the Bill be read a second time this day six months—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 Message from His Excellency the Governor, recommending certain amendments in the Bill intituled "*An Act to provide for the more convenient administration of 'The Extradition Acts 1870 and 1873,'*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 11th December, 1877.

G. F. BOWEN,
Governor,

In pursuance of section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendments which he recommends to be made in the Extradition Bill of Victoria 1877, which has been presented to him for Her Majesty's assent:—

Preamble.

Line 14, page 1, the word "by" to be inserted after the word "if."

Line 3, page 2, the word "as" occurring after the word "and" to be omitted.

Government Offices,
Melbourne, December, 1877.

C. GAVAN DUFFY,
Speaker.

EXTRADITION BILL.—MESSAGE FROM THE LEGISLATIVE ASSEMBLY WITH AMENDMENTS RECOMMENDED BY THE GOVERNOR.—The Honorable H. Cuthbert moved, That the Council do concur with the Legislative Assembly in making the amendments recommended by His Excellency the Governor in this Bill.

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 Message from His Excellency the Governor recommending a certain amendment in the Bill intituled "*An Act to amend and consolidate the Laws relating to Friendly Societies,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment made by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 11th December, 1877.

G. F. BOWEN,

Governor.

In pursuance of Section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendment which he recommends to be made in the Bill to amend and consolidate the Laws relating to Friendly Societies, which has been presented to him for Her Majesty's assent :—

First Schedule :—Subdivision (6), substitute the words "Government Statist" for the word "Registrar."

Government Offices,
Melbourne, December, 1877.

FRIENDLY SOCIETIES BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY, WITH AMENDMENT RECOMMENDED BY THE GOVERNOR.—The Honorable H. Cuthbert moved, That the Council do concur with the Legislative Assembly in making the amendment recommended by His Excellency the Governor in this Bill.

Question—put and passed.

PAYMENT OF MEMBERS 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.

Council divided.

Contents 8.
The Hon. T. T. a'Beckett
R. D. Reid
W. Wilson
G. F. Belcher
G. W. Cole
J. Buchanan
T. F. Hamilton
H. Cuthbert (*Teller*).

Not Contents, 18.
The Hon. T. J. Sumner
Sir C. Sladen
W. Campbell
J. Graham
N. Black
J. Balfour
R. Simson
Sir S. Wilson
F. T. Sargood
T. Bromell
J. A. Wallace
N. Fitzgerald
A. Fraser
J. P. Bear
J. Henty
Dr. Dobson
W. Highett
R. S. Anderson (*Teller*).

The question was therefore negatived.

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

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

No. 50.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 12TH DECEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 13TH DECEMBER, 1877.

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 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 seventy-eight, and to appropriate the Supplies granted in this Session of Parliament,*" with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 13th December, 1877.

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

Question—put and passed.

Bill read a first time.

The Honorable H. Cuthbert moved, That the Bill be printed, and that the second reading be made an Order of the Day for Wednesday next.

Debate ensued.

Question—put and passed.

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

Mining Surveyors and Registrars—Reports of, for quarter ending 30th September, 1877.

Ordered to lie on the Table.

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

Public Accounts.—Addendum to Regulation of 26th May, 1874 (6th December, 1877.)

Ordered to lie on the Table.

PETITION.—The Honorable J. A. Wallace presented a Petition, signed by W. S. Smith and others, styling themselves electors at Beechworth, and praying that the Council will reject payment of Members of Parliament in any form.

Petition received.

The Petition was read at the Table by the Clerk.

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

Question—put and passed.

The Council adjourned at a quarter past five o'clock until half-past four o'clock on Wednesday, the 19th instant.

ORDER OF THE DAY.

WEDNESDAY, 19TH DECEMBER, 1877.

ORDER OF THE DAY :—

I. APPROPRIATION 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.

WEDNESDAY, 19TH DECEMBER, 1877.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ROYAL ASSENT TO BILLS.—The President informed the Council that he had received a communication from the Private Secretary to His Excellency the Governor, intimating that it is the intention of His Excellency to proceed to the Council Chamber on Thursday, the 20th instant, at a quarter past six o'clock, to assent, in Her Majesty's name, to certain Bills passed by the Legislative Council and the Legislative Assembly.

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

Public Accounts—Regulation respecting certifying.—Department of Roads and Bridges (10th December, 1877).

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 acquaint the Legislative Council that the Legislative Assembly have appointed a Committee of ten Members, five of whom shall form a quorum, to confer with a Committee of ten Members of the Legislative Council as to the Gippsland and Goulburn Valley Lines of Railway.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 19th December, 1877.

GOULBURN VALLEY RAILWAY BILL.—**GIPPSLAND RAILWAY CONSTRUCTION BILL.**—**MESSAGE FROM LEGISLATIVE ASSEMBLY.**—The Honorable Sir C. Sladen moved, That a Committee consisting of ten Members, five of whom shall form a quorum, be appointed to confer with a similar Committee appointed by the Legislative Assembly as to the construction of the Gippsland and Goulburn Valley Lines of Railway.

Question—put and passed.

The Honorable Sir C. Sladen moved, That the following Members be appointed on such Committee, and that they have power to sit on days and at times when the Council is not sitting:—The Honorables F. T. Sargood, R. Simson, Sir S. Wilson, R. S. Anderson, J. P. Bear, T. J. Sumner, J. A. Wallace, J. Balfour, N. Fitzgerald, and the Mover.

Question—put and passed.

The Honorable Sir C. Sladen moved, That a Message be sent to the Legislative Assembly informing them that the Council have appointed a Committee of ten Members, five of whom shall form a quorum, to confer with the Committee of ten Members appointed by the Legislative Assembly as to the construction of the Gippsland and Goulburn Valley Lines of Railway, and that, in accordance with the Joint Standing Order No. 10, they have named the Library as the place of meeting, and the time three o'clock on to-morrow (Thursday) afternoon.

Question—put and passed.

PETITION.—The Honorable R. S. Anderson presented a Petition, signed by W. H. Curteis and others, styling themselves residents of the Alexandra district of the Electorate of Anglesey and Kilmore, and praying that payment of Members of Parliament may not be continued.

POSTPONEMENT.—The following Order of the Day was postponed until Thursday, the 20th instant.

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

The Council adjourned at a quarter past five o'clock until half-past four o'clock on Thursday, the 20th instant.

NOTICE OF MOTION AND ORDER OF THE DAY.

THURSDAY, 20TH DECEMBER, 1877.

NOTICE OF MOTION :—

1. The Hon. H. CUTHBERT : To move, That the House, at its rising on Thursday, adjourn until Friday, the 21st instant, at half-past four o'clock.

ORDER OF THE DAY :—

1. APPROPRIATION 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.

THURSDAY, 20TH DECEMBER, 1877.

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 for the Eradication of Diseases in Vines,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 20th December, 1877.

C. GAVAN DUFFY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Law relating to the Drainage of Mines,*" and acquaint the Legislative Council that they have agreed to some of the amendments made by the Legislative Council in this Bill, and that they have agreed to one of such amendments, with an amendment, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 19th December, 1877.

C. GAVAN DUFFY,
Speaker.

GOULBURN VALLEY RAILWAY BILL.—GIPPSLAND RAILWAY CONSTRUCTION BILL.—CONFERENCE.—The Honorable Sir C. Sladen brought up a Progress Report from the Committee appointed to confer with a Committee of the Legislative Assembly on the Goulburn Valley Railway Bill and the Gippsland Railway Construction Bill.

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

The Railways Conference Committee appointed by your Honorable House have to report that they have this day met the Committee of the Assembly in Conference—that they have conferred, and adjourned for the present upon the understanding that the Conference may be renewed should your Committee think, after what has passed to-day, that any good result would ensue from again convening it.

CHARLES SLADEN.

DISEASES IN VINES ERADICATION 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.

DRAINAGE OF MINES BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Honorable H. Cuthbert moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for the next day of meeting of the Council.

Question—put and passed.

FRIDAY—ADJOURNMENT TO.—The Honorable H. Cuthbert, in accordance with notice, moved, That the House, at its rising this day, adjourn until Friday, the 21st instant, at half-past four o'clock.

Amendment moved by the Honorable Sir C. Sladen, That all the words after the word "until" be omitted, with a view to insert the words "Tuesday, the 8th January."

Debate ensued.

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

Contents, 13.
The Hon. G. W. Cole
C. J. Jenner
J. Balfour
J. Cumming
T. J. Sumner
F. T. Sargood
R. D. Reid
T. F. Hamilton
J. Buchanan
J. P. Bear
G. F. Belcher
J. Henty
H. Cuthbert (*Teller*).

Not Contents, 9.
The Hon. Sir C. Sladen
W. Campbell
J. Graham
R. Simson
Sir S. Wilson
N. Fitzgerald
W. Highett
J. A. Wallace
R. S. Anderson (*Teller*).

The question was therefore passed.

Question—That the House, at its rising this day, adjourn until Friday, the 21st instant—put and passed.

APPROPRIATION 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.

Amendment moved by the Honorable Sir C. Sladen, That all the words after the word "That" be omitted with a view to insert the following words instead thereof, "this Bill be laid aside for the following reasons :—

"1. Because there is included in it an item of £18,025 for reimbursing Members of the Legislative Council and of the Legislative Assembly their expenses in relation to their attendance in Parliament, at the rate of £300 per annum each, and such reimbursement involves a question of public policy which has been already, during the present session, submitted to the Legislative Council in a Bill intituled "*An Act for the continuation of an Expiring Law,*" such expiring law being "*An Act to provide for reimbursing Members of the Legislative Council and of the Legislative Assembly their expenses in relation to their attendance in Parliament,*" and such Bill was then disposed of, and it is contrary to parliamentary practice to deal with the same question twice in the same session.

"2. Because to tack to the annual Appropriation Bill a question of public policy precludes the Legislative Council from giving a free and deliberate vote concerning it, and deprives them therefore of their constitutional right."

Debate ensued.

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

ROYAL ASSENT TO BILLS.—His Excellency the Governor came into the Council Chamber and desired the attendance of the Legislative Assembly in the Council Chamber; who, being come with their Speaker, His Excellency was pleased to assent, in Her Majesty's name, to the following Bills :—

"*An Act to give additional powers to the National Insurance Company of Australasia Limited.*"

"*An Act to amend the Beechworth Waterworks Act 1860.*"

"*An Act to provide for the Regulation and Inspection of Mines.*"

"*An Act for the continuation of an Expiring Law.*"

"*An Act to continue an Expiring Law.*"

"*An Act to amalgamate the City of Melbourne Gas and Coke Company, the Collingwood, Fitzroy, and District Gas and Coke Company, and the South Melbourne Gas Company, and to incorporate a company to be called 'The Metropolitan Gas Company,' and for other purposes.*"

"*An Act to enable the Liverpool and London and Globe Insurance Company to sue and be sued in the Colony of Victoria in the name of the Company, and for other purposes.*"

"*An Act to provide for the more convenient administration of the Extradition Acts 1870 and 1873.*"

"*An Act to extend the operation of the Waterworks Act 1865, and for other purposes.*"

"*An Act to amend and consolidate the Laws relating to Friendly Societies.*"

"*An Act to sanction the issue and application of certain sums of money from 'The Railway Loan Liquidation and Construction Account' established under the provision of section 42 of 33 Vict. No. 360.*"

"*An Act to amend the law with respect to manufacturing, keeping, selling, carrying, and importing Gunpowder and other explosive substances.*"

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

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

"G. F. BOWEN,
"Governor."

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

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

APPROPRIATION BILL.—

Debate resumed.

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 this Bill be laid aside for the following reasons:—

1. Because there is included in it an item of £18,025 for reimbursing Members of the Legislative Council and of the Legislative Assembly their expenses in relation to their attendance in Parliament, at the rate of £300 per annum each, and such reimbursement involves a question of public policy which has been already, during the present session, submitted to the Legislative Council in a Bill intituled "*An Act for the continuation of an Expiring Law,*" such expiring law being "*An Act to provide for reimbursing Members of the Legislative Council and of the Legislative Assembly their expenses in relation to their attendance in Parliament,*" and such Bill was then disposed of, and it is contrary to parliamentary practice to deal with the same question twice in the same session.

2. Because to tack to the annual Appropriation Bill a question of public policy precludes the Legislative Council from giving a free and deliberate vote concerning it, and deprives them therefore of their constitutional right—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend 'The Customs Act 1857,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 20th December, 1877.

C. GAVAN DUFFY,
Speaker.

MR. PRESIDENT—

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

Legislative Assembly Chamber,
Melbourne, 19th December, 1877.

C. GAVAN DUFFY,
Speaker.

CUSTOMS ACT 1857 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 Friday, the 21st instant.

PASSENGERS, HARBORS, AND NAVIGATION STATUTE 1865 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, ordered to be printed, and the second reading made an Order of the Day for Friday, the 21st instant.

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 extend the time for the collection of certain Tolls,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 19th December, 1877.

C. GAVAN DUFFY,
Speaker.

TOLLS BILL.—The Honorable H. Cuthbert 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 Friday, the 21st instant.

The Council adjourned at a quarter past ten o'clock until half-past four o'clock on Friday, the 21st instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

FRIDAY, 21ST DECEMBER, 1877.

NOTICE OF MOTION:—

1. The Hon. Sir C. SLADEN: To move, That a return be made of all Bills initiated in the Legislative Assembly since November, 1856, that have been thrown out by the Legislative Council, the number of times that each Bill has been thrown out, the time when each was introduced, and, if ultimately passed, the time when it was so passed.

ORDERS OF THE DAY:—

1. DISEASES IN VINES ERADICATION BILL.—To be read a second time.
2. DRAINAGE OF MINES BILL.—Consideration of Message from Legislative Assembly.
3. CUSTOMS ACT 1857 AMENDMENT BILL.—To be read a second time.
4. PASSENGERS, HARBORS, AND NAVIGATION STATUTE 1865 AMENDMENT BILL.—To be read a second time.
5. TOLLS 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.

FRIDAY, 21ST DECEMBER, 1877.

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 for granting to Her Majesty certain Duties of Customs, and for repealing and altering certain other Duties,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 20th December, 1877.

C. GAVAN DUFFY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act for the amendment and continuation of an Expiring Law,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 20th December, 1877.

C. GAVAN DUFFY,
Speaker.

CUSTOMS DUTIES 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.

EXPIRING LAW (DRAWBACKS ACT 1872) CONTINUATION AND 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.

BILLS THROWN OUT IN LEGISLATIVE COUNCIL—RETURN OF.—The Honorable Sir C. Sladen, in accordance with notice, moved, That a return be made of all Bills initiated in the Legislative Assembly since November, 1856, that have been thrown out by the Legislative Council, the number of times that each Bill has been thrown out, the time when each was introduced, and, if ultimately passed, the time when it was so passed.

Question—put and passed.

DISEASES IN VINES ERADICATION 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.

The Honorable N. Fitzgerald moved, That the House do now adjourn.

Debate ensued.

Motion—That the House do now adjourn—by leave withdrawn.

Debate resumed.

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

Debate ensued.

Question—put.

Council divided.

Contents, 9.

The Hon. C. J. Jenner
 J. Cumming
 F. T. Sargood
 R. D. Reid
 T. F. Hamilton
 J. Buchanan
 J. A. Wallace
 A. Fraser
 H. Cuthbert (*Teller*).

Not Contents, 6.

The Hon. W. Campbell
 R. Simson
 Sir S. Wilson
 N. Fitzgerald
 J. P. Bear
 Sir C. Sladen (*Teller*).

The question was therefore 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 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 Sir C. Sladen, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday, the 8th January next.

Question—put and passed.

DRAINAGE OF MINES BILL.—CONSIDERATION OF MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable H. Cuthbert moved, That the Council do agree to the following amendment made by the Legislative Assembly in the new clause A inserted by the Council in the Bill.

Omit all words after “for” in line two, and insert instead—

“any period during suspension of draining operations and in determining the cost of drainage effected by the owner of any machinery if the whole or any part of the water raised by such machinery shall be used by the owner of such machinery for mining purposes the value of such water shall be ascertained and deducted from the general cost of such drainage.”

Debate ensued.

The Honorable Sir C. Sladen moved, That the debate be adjourned.

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

POSTPONEMENT.—The following Orders of the Day were postponed until after the disposal of the succeeding Order of the Day:—

“*Customs Act 1857 Amendment Bill*”—To be read a second time.

“*Passengers Harbors and Navigation Statute 1865 Amendment Bill*”—To be read a second time.

TOLLS 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 with an amendment.

The Honorable Sir C. Sladen moved, That the House do now adjourn.

Debate ensued.

Motion, by leave, withdrawn.

CUSTOMS ACT 1857 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 H. Cuthbert moved, That the adoption of the Report be made an Order of the Day for Tuesday, the 5th of February next.

Question—put and passed.

PASSENGERS HARBORS AND NAVIGATION STATUTE 1865 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 without amendment.

The Honorable H. Cuthbert moved, That the adoption of the Report be made an Order of the Day for Tuesday, the 5th February next.

Question—put and passed.

The Council adjourned at a quarter-past eight o'clock until half-past four o'clock on Tuesday, the 8th proximo.

ORDERS OF THE DAY.

TUESDAY, 8TH JANUARY, 1878.

ORDERS OF THE DAY:—

1. CUSTOMS DUTIES BILL.—To be read a second time.
2. EXPIRING LAW (DRAWBACKS ACT 1872) CONTINUATION AND AMENDMENT BILL.—To be read a second time.
3. DISEASES IN VINES ERADICATION BILL.—Adoption of Report.
4. DRAINAGE OF MINES BILL.—Adjourned debate on consideration of Message from Legislative Assembly.

TUESDAY, 5TH FEBRUARY.

ORDERS OF THE DAY:—

1. CUSTOMS ACT 1857 AMENDMENT BILL.—Adoption of Report.
2. PASSENGERS, HARBORS, AND NAVIGATION STATUTE 1865 AMENDMENT BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
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LEGISLATIVE COUNCIL.

TUESDAY, 8TH JANUARY, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. Balfour presented a Petition signed by J. Lecky, styling himself chairman of a public meeting of Electors of the Cranbourne Division of the South Province, and praying that payment of Members of Parliament may not be sanctioned.

Petition received.

The Petition was read at the Table by the Clerk.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. S. Anderson 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 R. S. Anderson, was read a third time and *passed*.

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

Question—put and passed.

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

EXPIRING LAW (DRAWBACKS ACT 1872) CONTINUATION AND AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. S. Anderson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. S. Anderson 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 R. S. Anderson, was read a third time and *passed*.

The Honorable R. S. Anderson moved, That the title of the Bill be "*An Act for the Amendment and Continuation of an Expiring Law.*"

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.

DISEASES IN VINES ERADICATION 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 R. S. Anderson 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 R. S. Anderson, was read a third time and *passed*.

The Honorable R. S. Anderson moved, That the title of the Bill be "*An Act for the Eradication of Diseases in Vines.*"

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.

DRAINAGE OF MINES BILL.—The Order of the Day for the resumption of the adjourned debate on the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable R. S. Anderson moved, That the Council do agree to the amendment made by the Legislative Assembly in the new clause A, inserted in the Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendment.

The Council adjourned at ten minutes to six o'clock until half-past four o'clock on Wednesday, the 9th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 9TH JANUARY, 1878.

1. The Hon. Sir C. SLADEN : To ask the Postmaster-General if he has any objection to inform the Council whether it is true, as stated in the public press, that a Memorandum has been prepared by Mr. Berry setting forth the views of the Ministry upon the present position of political affairs, and been forwarded through His Excellency the Governor to the Secretary of State for the Colonies ; and if he will have any objection to lay a copy of such Memorandum on the Table of the Council.

NOTICE OF MOTION :—

1. The Hon. Sir C. SLADEN : To move, That a dutiful Address be presented to His Excellency the Governor upon the circumstances attending the laying aside of the Appropriation Bill by the Council, and upon the present anomalous state of Parliament ; and

Contingent on the above being carried—

That a Committee be appointed to prepare such Address, and that such Committee consist of the Honorables R. S. Anderson, J. Balfour, N. Fitzgerald, F. T. Sargood, T. J. Sumner, Sir S. Wilson, and the Mover.

TUESDAY, 5TH FEBRUARY.

ORDERS OF THE DAY :—

1. CUSTOMS ACT 1857 AMENDMENT BILL.—Adoption of Report.
2. PASSENGERS, HARBORS, AND NAVIGATION STATUTE 1865 AMENDMENT BILL.—Adoption of Report.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 9TH JANUARY, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

Question—put and passed.

PAPER.—The Honorable R. S. Anderson, in the absence of the Honorable C. J. Jenner, for the Honorable the Postmaster-General, presented to the Council the following Paper:—

Defences.—Preliminary Report by His Excellency Sir W. F. Drummond Jervois, R.E., K.C.M.G., C.B. (20th July, 1877.)

Ordered to lie on the Table.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable Sir C. Sladen, in accordance with notice, moved, That a dutiful Address be presented to His Excellency the Governor upon the circumstances attending the laying aside of the Appropriation Bill by the Council, and upon the present anomalous state of Parliament.

Debate ensued.

Question—put and passed.

The Honorable Sir C. Sladen, in accordance with *contingent* notice, moved, That a Committee be appointed to prepare such Address.

Question—put and passed.

The Honorable Sir C. Sladen, in accordance with *contingent* notice, moved, That such Committee consist of the Honorables R. S. Anderson, J. Balfour, N. Fitzgerald, F. T. Sargood, T. J. Sumner, Sir S. Wilson, and the Mover.

Question—put and passed.

The Committee retired to prepare an Address.

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

The Address was read at the Table by the Clerk.

To His Excellency SIR GEORGE FERGUSON BOWEN, 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, and Vice-Admiral of the same, &c.

MAY IT PLEASE YOUR EXCELLENCY:—

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

We take this earliest opportunity of addressing Your Excellency upon the present extraordinary state of affairs in connection with the Parliament and the Public business.

During the month of December, a Bill entitled "*An Act for the continuation of an expiring Law*" (Payment of Members) was initiated in the Legislative Assembly, under the recommendation of Your Excellency, as conveyed by Message (No. 9), for reimbursing Members of Parliament their expenses in relation to their attendance in Parliament, and was passed, and forwarded to the Legislative Council for their concurrence.

By means of published Parliamentary papers it was within the knowledge of the Council that a previous Message (No. 7) to the same effect had been sent by Your Excellency to the Assembly recommending such reimbursement amongst other items of contemplated expenditure; and that an item on the Estimates of £18,025 for reimbursing Members from the termination of this session of Parliament to the end of the financial year had been passed in the Committee of Supply, and been reported to the Assembly. When, therefore, the second reading of the above Bill was moved in the Legislative Council, we felt that there was a threat held over us, that, should we determine that we could not concur with the Assembly and pass the Bill, the same matter would be brought before us in the annual Appropriation Bill, and that we must then either assent to the

carrying out of the principle from which we had previously expressed our dissent, or be reduced to the alternative of rejecting the Appropriation Bill providing for the services of the current year.

We desire to impress upon Your Excellency that in any measure containing subject matter of public policy, we believe that the Constitution has invested both the Council and the Assembly with equal powers of legislation, save only as the Council are restricted by the 56th section, and we have always insisted upon our right to exercise those powers with perfect freedom, whilst we are determined to resist every attempt at coercion, as being opposed to the spirit of the Constitution, and to the satisfactory working of the bi-cameral form of Parliament.

The question of Payment of Members has always been treated as one of public policy of commanding interest, and we claim, as we have already during the session informed Your Excellency in the Address presented to Your Excellency on the 13th November last, to have a voice in determining whether or not such policy shall be adopted; and we also claim to have the measure dealing with such policy brought before us, so that we may be able to give effect to that voice.

The first-named Bill, therefore, having come before us in a manner which would not admit of free deliberation, we declined to enter into any discussion on its merits, and simply negatived the second reading. This was on the 11th December. On the 13th December the annual Appropriation Bill was sent to us, containing the item before particularized, and on the 20th December it was laid aside without a division, for the following reasons then recorded, viz. :—

“Because there is included in it an item of £18,025 for reimbursing Members of the Legislative Council and of the Legislative Assembly their expenses in relation to their attendance in Parliament at the rate of £300 per annum each, and such reimbursement involves a question of public policy which has been already, during the present Session, submitted to the Legislative Council in a Bill intituled “*An Act for the continuation of an Expiring Law,*” such expiring law being “*An Act for reimbursing Members of the Legislative Council and of the Legislative Assembly their expenses in relation to their attendance in Parliament,*” and such Bill was then disposed of, and it is contrary to Parliamentary practice to deal with the same question twice in the same Session :

“2. Because to tack to the annual Appropriation Bill a question of public policy precludes the Legislative Council from giving a free and deliberate vote concerning it, and deprives them therefore of their Constitutional right.”

We lament the necessity that compelled us to adopt this unusual course, and we deplore the inconvenience, confusion, and suffering that will probably ensue from the want of an Act to legalize the expenditure of the sums appropriated to the public service, and we assure Your Excellency that we should have shrunk from taking such a step could we have seen any other available means whereby the independence, if not the very existence, of the Legislative Council for any useful purpose could be secured: but the system of coercion which has been adopted in order to compel us to give up that position in the legislation of the country which the Constitution intended us to exercise, has left us no other course.

We regret that we have been placed in the position to determine between two evils—Whether to submit to the Constitution being overridden and the Council ignored, or to the temporary inconvenience caused by the loss of the Appropriation Bill, and we are forced to the conclusion that, in the fulfilment of the trust committed to us by the Constitution, and in loyalty to our beloved Sovereign and to the Imperial Parliament, who have given to us that Constitution, and in duty to our constituents, we ought to consider the latter alternative as the least of the two evils.

In the early part of the sitting of the Legislative Assembly, on the 20th December, as we have since learnt, a motion was carried that the Assembly, at its rising, should adjourn until the 5th February; and at its rising the Assembly, having previously forwarded several Bills to the Council for their concurrence, adjourned for six weeks without any concert or communication with the Council.

Upon the understanding that the Legislative Assembly would sit on the following day, the 21st December, we consented, on the motion of the Minister conducting the business in the Council, to sit also on that day, although not a sessional day, and adjourned accordingly.

Although we were willing to give our attention to the consideration of the business before us, and actually did deal with it in detail, yet our work will necessarily be incomplete until the expiration of the period for which the Assembly has adjourned.

The position of affairs as regards the relation of the two Houses of Legislature, and as regards the session of Parliament, has thus become anomalous.

For the carrying out of legislation it would appear to be an essential feature of parliamentary usage that the two Houses should sit and transact business concurrently; indeed, it is clear that the business of legislation could not be satisfactorily carried on in any other manner between two co-ordinate Chambers.

In the present instance an adjournment until the 5th February, without reference to the Council, was agreed upon in the Assembly whilst the Appropriation Bill was yet under discussion by us, the immediate consequence of which is that Bills, considered to be of urgent importance, are in a state of suspense from which they cannot be rescued until the 5th February.

A Session of Parliament, according to Imperial usage, although nowhere defined, has its limits, as essentially recognised and as carefully observed as those of the calendar year.

In Victoria, this usage of the Imperial Parliament has been followed, and the word “Session” has been used in many Acts of Parliament as indicating a certain period well understood; and even on those extraordinary occasions when, unfortunately, as now, the annual Appropriation Bill has been thrown out, the two Chambers have continued to sit in conformity with Sessional arrangements, and to transact the business of the country. But there has been no precedent for the course at present adopted, viz., that one Chamber should adjourn for a period of six weeks, or about one-fourth of the term, during which a Session ordinarily lasts, without so much as consulting the other, or making any provision for carrying into law the measures under the consideration of Parliament, one of which, for continuing an Expiring Law (The Tolls Bill) ought to have come into operation on the 1st January.

The Legislature, consisting of three orders—Her Majesty the Queen, the Legislative Council, and the Legislative Assembly—is powerless to legislate without the concurrence of the three orders: and now it may be said to be out of gear, by reason of the adjournment of one Chamber without consulting either of the other two orders, so far as we are aware—but certainly without the privity of the Council.

And this leads us to remark that a Constitution, however good and perfect in itself, may soon become inoperative and fall into disrepute if any of the component parts refuse or neglect to perform the particular duties devolving upon them.

Even the British Constitution would soon break down if the Sovereign were to neglect or decline to exercise the high and responsible duties appertaining to the Crown, or should fail to keep under proper control the Executive and Legislative machinery of the State; or, if either House of Parliament should, in defiance of custom, or in disregard of the other estates of the Realm, arrogate to itself powers hitherto unknown, or decline to conform to the established routine of Legislation.

We would bring under Your Excellency's notice that there is one Act of Parliament, viz., that for Payment of Members, which is only kept alive and operative by the session being prolonged, and we would submit to Your Excellency that the prolongation of the session is not due to the press or urgency of business before Parliament, since the Assembly, led by Your Excellency's Advisers, have adjourned for six weeks, and in doing so they did not even consider it necessary to sit for another day or two, in order to pass into law Bills then before Parliament, which were said by the Minister representing the Government in the Legislative Council to be of urgent importance.

We desire further to bring to Your Excellency's notice the circumstance that the interruption of Parliamentary proceedings in the manner alluded to is without precedent; and is a departure from the spirit of Parliamentary Institutions, and that the Council is in no manner responsible for the miscarriage of legislation caused thereby.

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

Question—put and passed.

The Honorable Sir C. Sladen moved, That the President ascertain when and how His Excellency will be pleased to receive the Address.

Question—put and passed.

DEFENCES OF VICTORIA.—REPORT OF SIR W. F. DRUMMOND JERVOIS.—The Honorable R. S. Anderson, by leave of the Council, moved, without notice, That the Council do now adopt the Report of His Excellency Sir W. F. D. Jervis on the Defences of Victoria.

Question—put and passed.

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

ORDERS OF THE DAY.

TUESDAY, 15TH JANUARY, 1878.

1. The Hon. Sir C. SLADEN : To ask the Postmaster-General if he has any objection to inform the Council whether it is true, as stated in the public press, that a Memorandum has been prepared by Mr. Berry setting forth the views of the Ministry upon the present position of political affairs, and been forwarded through His Excellency the Governor to the Secretary of State for the Colonies; and if he will have any objection to lay a copy of such Memorandum on the Table of the Council.

TUESDAY, 5TH FEBRUARY.

ORDERS OF THE DAY :—

1. CUSTOMS ACT 1857 AMENDMENT BILL.—Adoption of Report.
2. PASSENGERS, HARBORS, AND NAVIGATION STATUTE 1865 AMENDMENT BILL.—Adoption of Report.

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

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LEGISLATIVE COUNCIL.

TUESDAY, 15TH JANUARY, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADJOURNMENT.—The Honorable Sir C. Sladen, 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 ten minutes to five o'clock, until half-past four o'clock on Tuesday, the 22nd instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 22ND JANUARY, 1878.

NOTICES OF MOTION :—

1. The Hon. N. FITZGERALD: To move, That there be laid upon the Table of this House a Return of all appointments made by the present Government, with the names, date of appointment, and salary attached to each.
2. The Hon. G. W. COLE: To move, That Commodore Hoskins's Report on the Defences of the Colony (16th November, 1876), and the Papers relative to the appointment of Sir William Jervois and Colonel Scratchley (27th February, 1877), be laid upon the Table of this House and printed; also, that the Report of Sir William Jervois, laid upon the Table on the 9th instant, be printed.
3. The Hon. G. F. BELCHER: To move for a Return of all the Civil Servants, Classified and Not Classified, who have been dismissed by the Government from the 1st instant to this date, showing their positions in the service and the salary attached to each.
4. The Hon. Sir C. SLADEN: To move, That an Address be presented to His Excellency the Governor, asking if His Excellency will be pleased to present to the Legislative Council a copy of the Memorandum prepared by the Chief Secretary upon the present position of political affairs which was lately forwarded through His Excellency the Governor to the Secretary of State for the Colonies.

TUESDAY, 5TH FEBRUARY.

ORDERS OF THE DAY :—

1. CUSTOMS ACT 1857 AMENDMENT BILL.—Adoption of Report.
2. PASSENGERS, HARBORS, AND NAVIGATION STATUTE 1865 AMENDMENT BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

TUESDAY, 22ND JANUARY, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

REPLY OF HIS EXCELLENCY THE GOVERNOR TO ADDRESS OF COUNCIL.—The President announced to the Council that the Address to His Excellency the Governor, adopted by the Council on the 9th instant, had been presented, and that His Excellency had been pleased to make thereto the following reply:—

MR. PRESIDENT AND GENTLEMEN :—

I thank you for these renewed expressions of your loyalty and attachment to Her Majesty the Queen, and of your respect for myself as Her Majesty's Representative in the Government of this colony.

I would repeat, as on a former occasion, that I receive this Address with the high consideration due from the Representative of the Queen to any expression of opinion from either House of the Victorian Parliament; and that I will forthwith consult my constitutional and Responsible Ministers on the important questions to which my attention is solicited.

I understand, Mr. President and Gentlemen, that I shall be carrying out the wishes of your Honorable House by forwarding to the Secretary of State for the Colonies a copy of this Address, and of my reply to it. This was the course pursued also with respect to your former Address, with the presentation of which I was favored on the 13th November ultimo.

In conclusion, I would thank your Honorable House for giving me this opportunity of placing on Parliamentary record that it is my duty, during the controversy which has unfortunately arisen between the two deliberative branches of the Legislature, to abstain from all interference otherwise than by earnestly recommending to both Houses, in the interests of the public welfare, mutual forbearance and mutual concession. In pursuance of the well-known principles of Constitutional Government, and of the views and instructions of the Imperial Authorities, I shall continue to maintain firmly that neutrality which belongs to the Crown that I represent.

G. F. BOWEN.

Government Offices,
21st January, 1878.

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

G. F. BOWEN,
Governor.

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, in accordance with the advice of the Honorable the Attorney-General (a copy of whose opinion is annexed), given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments in pursuance of the Joint Standing Order XV, viz. :—

- “1. *An Act for granting to Her Majesty certain duties of Customs, and for repealing and altering certain other Duties.*”
- “2. *An Act for the amendment and continuation of an Expiring Law.*”
- “3. *An Act for the Eradication of Diseases in Vines.*”
- “4. *An Act to amend the Law relating to the Drainage of Mines.*”

Government Offices,
Melbourne, 18th January, 1878.

OPINION.

It is well known that, in New South Wales, New Zealand, Queensland, and other colonies, Bills are assented to by the Governor as a general rule at the Government House or at the Government Offices, and in the presence of the Clerk of the Parliaments; but not in presence of Parliament itself. In fact, the latter practice appears to be confined to Victoria; and there is precedent for such a course in Victoria also.

I advise that His Excellency the Governor can legally and constitutionally give the Royal Assent at the Government Offices, or elsewhere, to all Bills, except the Appropriation Bill, presented to His Excellency by the Clerk of the Parliaments, for Her Majesty's assent, in pursuance of Joint Standing Order XV. Such assent should afterwards be notified by Message to both Houses of Parliament according to the precedent above-mentioned and the practice in the other colonies.

(Signed) ROBERT LE POER TRENCH,
Attorney-General.

Crown Law Offices,
Melbourne, 18th January, 1878.

APPOINTMENTS BY PRESENT GOVERNMENT.—The Honorable N. Fitzgerald, in accordance with notice, moved, That there be laid upon the Table of this House a Return of all appointments made by the present Government, with the names, date of appointment, and salary attached to each.

Question—put and passed.

DEFENCES OF THE COLONY—REPORTS ON, ETC.—The Honorable G. W. Cole, in accordance with *amended* notice, moved, That Commodore Hoskins's Report on the Defences of the Colony (16th November, 1876), and the Papers relative to the appointment of Sir William Jervois and Colonel Scratchley (27th February, 1877), be laid upon the Table of this House and printed; also, that the Report of Sir William Jervois, laid upon the Table on the 9th instant, be printed; also the analysis of Commodore Hoskins's evidence given on December 18th, 1875, as published with the Report of the Royal Commission on Volunteer Forces, pages 34 and 35.

Debate ensued.

Question—put and negatived.

DISMISSED CIVIL SERVANTS, CLASSIFIED AND NOT CLASSIFIED.—The Honorable G. F. Belcher, in accordance with *amended* notice, moved, That there be laid upon the Table of this House a Return of all the Civil Servants, Classified and Not Classified, who have been dismissed by the Government from the 1st instant, showing their positions in the service, and the salary attached to each; also the amount of compensation payable in each case under provision of the Civil Service Act, up to the date of the Return.

Question—put and passed.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable Sir C. Sladen, in accordance with notice, moved, That an Address be presented to His Excellency the Governor, asking if His Excellency will be pleased to present to the Legislative Council a copy of the Memorandum, prepared by the Chief Secretary upon the present position of political affairs, which was lately forwarded through His Excellency the Governor to the Secretary of State for the Colonies.

Debate ensued.

Question—put and passed.

The Honorable Sir C. Sladen, with leave of the Council, moved, without notice, That a Select Committee be appointed to prepare the Address.

Question—put and passed.

The Honorable Sir C. Sladen moved, That the following be the Members of the Select Committee, viz., the Honorables J. Balfour, W. Campbell, J. A. Wallace, R. S. Anderson, and the Mover.

Question—put and passed.

The Committee retired to prepare the Address.

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

The Address was read at the Table by the Clerk.

To His Excellency SIR GEORGE FERGUSON BOWEN, 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, and Vice-Admiral of the same, &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 to Her Majesty's Throne and Person, and of respect to Your Excellency as Her Majesty's Representative.

We desire to ask Your Excellency to be pleased to present to the Legislative Council a copy of the Memorandum, prepared by the Honorable the Chief Secretary upon the present position of political affairs resulting from the absence of the annual Appropriation Act, which we are informed was transmitted by Your Excellency by the last Californian Mail to the Right Honorable the Secretary of State for the Colonies.

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

Question—put and passed.

The Honorable Sir C. Sladen moved, That the President ascertain when it will please His Excellency to receive the Address.

Question—put and passed.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 23RD JANUARY, 1878.

NOTICE OF MOTION :—

1. The Hon. Sir C. SLADEN: To move, That an Address be presented to Her Majesty setting forth the facts and circumstances of the present Crisis, and praying that such instructions may be given to the Governor as will secure the Constitutional Government of this Colony.

TUESDAY, 5TH FEBRUARY.

ORDERS OF THE DAY :—

1. CUSTOMS ACT 1857 AMENDMENT BILL.—Adoption of Report.
2. PASSENGERS, HARBORS, AND NAVIGATION STATUTE 1865 AMENDMENT BILL.—Adoption of Report.

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



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 23RD JANUARY, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADDRESS TO HER MAJESTY THE QUEEN.—The Honorable Sir C. Sladen, in accordance with notice, moved, That an Address be presented to Her Majesty, setting forth the facts and circumstances of the present Crisis, and praying that such instructions may be given to the Governor as will secure the Constitutional Government of this Colony.

Question—put and passed.

The Honorable Sir C. Sladen moved, That a Select Committee be appointed to prepare the Address.

Question—put and passed.

The Honorable Sir C. Sladen moved, That the Committee consist of the following Members, viz., the Honorables J. Balfour, F. T. Sargood, J. P. Bear, Sir S. Wilson, and the Mover.

Question—put and passed.

The Committee retired to prepare the Address.

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

The Address was read at the Table by the Clerk.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:—

We, Your Majesty's dutiful and loyal subjects, the Legislative Council of Victoria, in Parliament assembled, beg to approach Your Majesty with expressions of our attachment to Your Majesty's Throne and Person.

We desire most respectfully to invite Your Majesty's gracious attention to an Address presented by the Legislative Council to His Excellency the Governor, on the 13th November, 1877, and to his Reply thereto, and also to another Address presented to the Governor during this month of January, and to the Governor's Reply thereto, as containing a narrative of the circumstances which occurred up to the 21st December, 1877, concerning the state of political affairs in this colony; and we now append copies of the above documents.

In continuation of the narrative, we desire to point out that if, after the negating of the second reading of the Payment of Members Bill, as referred to in the second Address, the Ministry had removed all grounds indicating a desire to coerce the Council through the Appropriation Bill, the first named Bill might have been dealt with on its merits, and the Appropriation Bill would have been passed as a matter of course. As it was, there appeared to be three courses open to the Ministry for adoption, so as to preserve the action of responsible Parliamentary Government, viz.:—

1. To acquiesce, at least temporarily, in the decision; or (if they deemed the question a vital one),
2. To resign their offices, or
3. To advise a dissolution.

Neither of these courses was pursued, nor did the Governor seek the advice of other Ministers; but he has sanctioned the several undermentioned acts which we desire respectfully to bring under Your Majesty's most Gracious consideration.

The Governor has, with the advice of the Executive Council, removed from office all the Judges of the County Courts, Courts of Mines, and Court of Insolvency, Coroners, and Chairmen of General Sessions of the Peace, as well as the Public Prosecutors at those Sessions without even a day's notice. He has also, with the like advice, dispensed with the services of all Police Magistrates and Wardens of the Goldfields, as well as of the permanent heads of several departments, and many other persons in the public service.

The announcement of the dispensing with the services of such of the above officers as are subject to the provisions of the Civil Service Act (No. 160), states it to be "in pursuance of the powers conferred upon the Governor in Council by the 12th and 27th sections of" that Act. The *Gazette* of the 8th January is appended.

The first of those sections makes it lawful for the Governor in Council from time to time to diminish the total number of the officers in the Civil Service; and the latter provides that no person shall be dismissed except in accordance with that Act; but that nothing in it shall prevent the Governor in Council, if it be expedient to reduce the number of officers in any department, from dispensing with the services of any officers in consequence of such alterations. The power "to remove" Judges, Coroners, Chairmen of General Sessions, and Public Prosecutors, is conferred by the several Statutes under which they are appointed.

That the diminution of "the total number of the officers in the Civil Service," or the reduction of "the number of officers in any department," was not the real ground for dispensing with the services of any of them is manifest from the facts that the removal and dispensing took place during a six weeks' adjournment of the Assembly, and that their salaries had been provided in the Appropriation Bill for the whole financial year, terminating on the 30th June, 1878, in pursuance of a Message from the Governor recommending the appropriation.

We submit to Your Majesty that by these acts, the Governor, under a perverted use of statutory powers, virtually suspended several statutes; and, besides inflicting grievous injury on many officers of high character and attainments, and of long standing in the public service, very seriously crippled the judicature of the inferior Courts, and rendered the County Courts and Courts of Mines wholly inaccessible.

We further submit to Your Majesty that the Governor—while recognizing the rule stated by himself, that "it is the undoubted duty of the Governor of every colony possessing Parliamentary Institutions on the English model to follow generally in all matters of purely local concern and in which neither the Prerogatives of the Crown nor other Imperial interests are involved," the advice of the Responsible Ministers—has, in following that advice on the occasions to which we have referred, apparently acted as if he had no personal responsibility or discretion in the matter—which we humbly and respectfully submit is incompatible with his position as Your Majesty's Representative—and by adopting that view has lent the power and influence of his exalted position towards coercing the Legislative Council to pass a measure concerning which we believe that we are privileged under the Constitution to act deliberately and independently; and for the purpose of this coercion, without even making an appeal to the country, trade is paralyzed, the whole colony plunged into confusion and uncertainty, and the state of happiness and security, which the colonists have hitherto enjoyed under Your Majesty's benign rule, is now being changed into one of doubt, misgiving, and insecurity.

We therefore humbly pray that Your Majesty will take into your most gracious consideration the circumstances herein stated, as also those detailed in our Addresses to the Governor, and that Your Majesty will cause such steps to be taken as Your Majesty shall see fit.

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

The Honorable W. Campbell moved, That the word "perverted" be struck out, with a view to insert the word "wrong" instead thereof in the Address.

Debate ensued.

Question—That the word "perverted" proposed to be struck out be struck out—put and passed.

Question—That the word "wrong" proposed to be inserted be so inserted—put and passed.

Question—That the Report as amended be now adopted—put and passed.

The Honorable Sir C. Sladen moved, That the President be requested to communicate with His Excellency the Governor, with a view to the forwarding of the Address to England by the departing mail.

Question—put and passed.

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

Question—put and passed.

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

ORDERS OF THE DAY.

TUESDAY, 5TH FEBRUARY, 1878.

ORDERS OF THE DAY:—

1. CUSTOMS ACT 1857 AMENDMENT BILL.—Adoption of Report.
2. PASSENGERS, HARBORS, AND NAVIGATION STATUTE 1865 AMENDMENT BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 29TH JANUARY, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADDRESS TO HER MAJESTY THE QUEEN.—The President announced to the Council that he had received the following communication from the Private Secretary to His Excellency the Governor :—

Government Offices,

Melbourne, 24th January, 1878.

The Private Secretary presents his compliments to the Honorable the President of the Legislative Council, and begs to acknowledge the receipt of the President's note of this day, enclosing for transmission an Address to Her Majesty the Queen from the Legislative Council, which His Excellency the Governor will transmit in due course, in pursuance of the Colonial Regulations, chap. VI., Arts. 221-223.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR—REPLY TO.—The President announced to the Council that he had received from the Private Secretary to His Excellency the Governor the following Reply to the Address to His Excellency the Governor, adopted by the Council on the 22nd instant :—

MR. PRESIDENT AND GENTLEMEN :—

I thank you for your renewed expressions of loyalty to Her Majesty's Throne and Person, and of respect for myself as Her Majesty's Representative.

With regard to the Chief Secretary's Memorandum to which you refer, I assure you that it will always afford me pleasure to carry out the wishes of either House of the Victorian Parliament, so far as my duty may permit.

But it is a general and reasonable rule of the public service that documents forwarded to the Imperial Government should not be published until they shall have been received and acknowledged by the Secretary of State.

I would observe, however, that the Imperial Authorities will be in full possession of the views entertained by your Honorable House upon the present position of political affairs in Victoria, from the Addresses, with the presentation of which I was favored on the 13th November ultimo and on the 19th instant. Copies of these Addresses have been forwarded to the Secretary of State for the Colonies, in pursuance of what I understand to be your desire.

G. F. BOWEN.

Government Offices,

Melbourne, 24th January, 1878.

ADJOURNMENT.—The Council adjourned at a quarter to five o'clock until half-past four o'clock on Wednesday the 30th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 30TH JANUARY, 1878.

NOTICES OF MOTION :—

1. The Hon. Sir C. SLADEN : To move, That the Honorable the President of the Legislative Council be requested to transmit to the Secretary of State for the Colonies a telegram to the following effect :—
"Legislative Council prays nothing be done with the Memorandum from Chief Secretary to His Excellency the Governor on subject of legal payments, forwarded last month *via* California, until opportunity of comment afforded them. Copies asked for by Council, but refused by Governor."
2. The Hon. J. BALFOUR : To move, That the Tolls Bill be now reconsidered in Committee of the whole Council.

TUESDAY, 5TH FEBRUARY.

ORDERS OF THE DAY :—

1. CUSTOMS ACT 1857 AMENDMENT BILL.—Adoption of Report.
2. PASSENGERS, HARBORS, AND NAVIGATION STATUTE 1865 AMENDMENT BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

By Authority : JOHN FERRES, Government Printer, Melbourne.

(625 copies.)

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 30TH JANUARY, 1878.

There being no quorum of members present at the expiration of half an hour after the time appointed for the meeting of the Council, the President took the Chair and adjourned the Council to the next sitting day.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 31ST JANUARY, 1878.

NOTICES OF MOTION:—

1. The Hon. Sir C. SLADEN : To move, That the Honorable the President of the Legislative Council be requested to transmit to the Secretary of State for the Colonies a telegram to the following effect:—
“Legislative Council prays nothing be done with the Memorandum from Chief Secretary to His Excellency the Governor on subject of legal payments, forwarded last month *via* California, until opportunity of comment afforded them. Copies asked for by Council, but refused by Governor.”
 2. The Hon. J. BALFOUR : To move, That the Tolls Bill be now reconsidered in Committee of the whole Council.
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TUESDAY, 5TH FEBRUARY.

ORDERS OF THE DAY:—

1. CUSTOMS ACT 1857 AMENDMENT BILL.—Adoption of Report.
2. PASSENGERS, HARBORS, AND NAVIGATION STATUTE 1865 AMENDMENT BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 62.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 31st JANUARY, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. Balfour presented a Petition, signed by R. Wallen, styling himself Mayor of the Borough of Hawthorn, and praying that the Tolls Bill may be passed.
Petition received.

The Petition was read at the Table by the Clerk.

The Council adjourned at six minutes past five o'clock until half-past four o'clock on Tuesday the 5th proximo.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 5TH FEBRUARY, 1878.

NOTICES OF MOTION:—

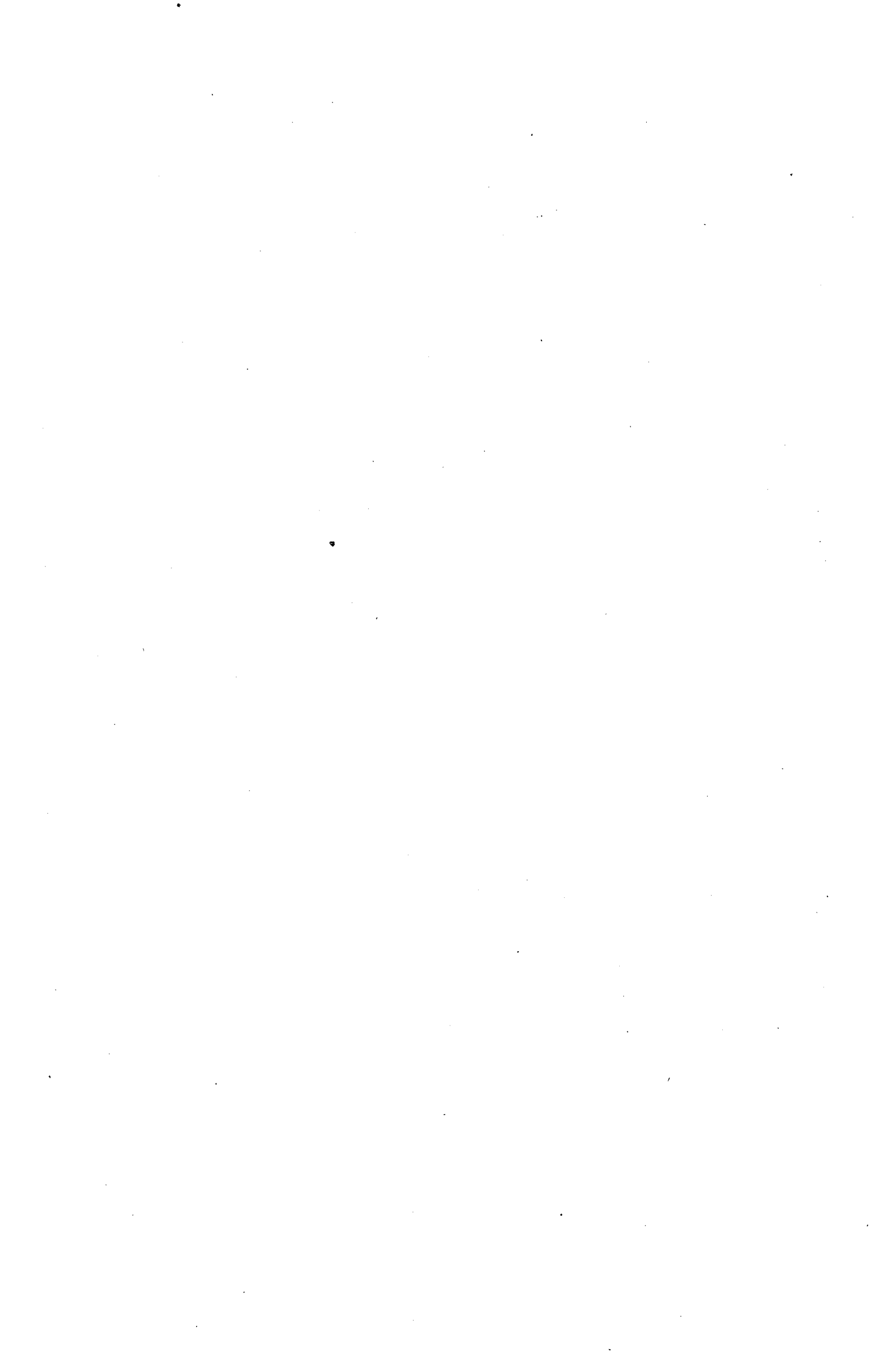
1. The Hon. Sir C. SLADEN: To move, That the Honorable the President of the Legislative Council be requested to transmit to the Secretary of State for the Colonies a telegram to the following effect:—
“Legislative Council prays nothing be done with the Memorandum from Chief Secretary to His Excellency the Governor on subject of legal payments, forwarded last month *via* California, until opportunity of comment afforded them. Copies asked for by Council, but refused by Governor.”
2. The Hon. Sir C. SLADEN (*contingent on the carrying of the foregoing motion*): To move, That an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to forward the accompanying Message to the Secretary of State by telegraph.
3. The Hon. J. BALFOUR: To move, That the Tolls Bill be now reconsidered in Committee of the whole Council.

ORDERS OF THE DAY:—

1. CUSTOMS ACT 1857 AMENDMENT BILL.—Adoption of Report.
2. PASSENGERS, HARBORS, AND NAVIGATION STATUTE 1865 AMENDMENT BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 5TH FEBRUARY, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. Balfour presented a Petition from the Shire Council of Eltham, and under the corporate seal thereof, praying that the Tolls Bill may be passed.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable J. Balfour presented a similar Petition from the Heidelberg Shire Council, and under the corporate seal thereof.

Petition received.

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

1. Gippsland Mining District—Divisions of.—Order in Council (7th January, 1878).
2. Gippsland Mining District.—Polling Places.—Order in Council (7th January, 1878).
3. Indian Famine Relief Fund—Despatch respecting initiation of, in Melbourne, from the Right Honorable the Secretary of State for the Colonies (29th November, 1877).
4. Deputy Master of Melbourne Mint, appointment of.—Despatch (28th November, 1877).
5. Appointment of Sir C. G. Duffy to be K.C.M.G.—Despatch (26th November, 1877).
6. Paris Exhibition.—Space applied for by Victoria.—Despatch (29th November, 1877).
7. Land Tax Act.—Despatch (20th December, 1877).
8. New Hebrides—Proposed occupation of.—Despatch (5th December, 1877).
9. Payment of Members.—Despatch (20th December, 1877).

The last Despatch was read at the Table by the Clerk.

Papers ordered severally to lie on the Table.

TELEGRAM TO SECRETARY OF STATE.—The Honorable Sir C. Sladen, in accordance with *amended* notice, moved, That the Honorable the President of the Legislative Council be requested to transmit to the Secretary of State for the Colonies a telegram to the following effect :—

“Legislative Council prays nothing be done with the Memorandum from Chief Secretary to His Excellency the Governor on subject of legal payments, forwarded in December *viâ* California, until opportunity of comment afforded them. Copies asked for by Council, but refused by Governor.”

Debate ensued.

Question—put and passed.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable Sir C. Sladen, in accordance with notice, moved, That an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to forward the accompanying Message to the Secretary of State by telegraph.

Question—put and passed.

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

To His Excellency Sir GEORGE FERGUSON BOWEN, 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, and Vice-Admiral of the same, &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, desire to approach Your Excellency with the assurance of our continued loyalty and devotion to Her Most Gracious Majesty, and of respect to Your Excellency as Her Majesty's Representative. We pray that Your Excellency will be pleased to forward to the Right Honorable the Secretary of State for the Colonies, by cable, the following telegram :—

“Legislative Council prays nothing be done with the Memorandum from Chief Secretary to His Excellency the Governor on subject of legal payments, forwarded in December *viâ* California, until opportunity of comment afforded them. Copies asked for by Council, but refused by Governor.—W. H. F. MITCHELL, President of the Legislative Council.”

We desire to inform Your Excellency that a duplicate of the above telegram will be forwarded to the Secretary of State by the President of the Council.

Question—put and passed.

TOLLS BILL.—The Honorable J. Balfour, in accordance with notice, moved, That the Tolls Bill be now reconsidered in Committee of the whole Council.

Debate ensued.

Question—put and passed.

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

The President left the Chair.

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

Ordered.

CUSTOMS ACT 1857 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 F. T. Sargood moved, That the Order of the Day be discharged with a view to the re-committal of the Bill.

Debate ensued.

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 original Bill without any amendment.

The Honorable F. T. Sargood 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 F. T. Sargood, was read a third time and *passed*.

The Honorable F. T. Sargood moved, That the title of the Bill be "*An Act to amend the Customs Act 1857.*"

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.

PASSENGERS, HARBORS, AND NAVIGATION STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable F. T. Sargood 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 F. T. Sargood, was read a third time and *passed*.

The Honorable F. T. Sargood moved, That the title of the Bill be "*An Act to further amend the Passengers, Harbors, and Navigation Statute 1865.*"

Question—put and passed.

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

ADJOURNMENT.—The Honorable H. Cuthbert, 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 12th instant.

NOTICE OF MOTION AND ORDER OF THE DAY.

TUESDAY, 12TH FEBRUARY, 1878.

1. The Hon. DR. DOBSON: To ask the Postmaster-General whether the Government have received any report from Captain Mandeville on the defences of the harbor, and, if so, whether the Government will cause a copy of it to be laid on the Table of this House.

NOTICE OF MOTION:—

1. The Hon. Sir C. SLADEN: To move, That an Address be presented to His Excellency the Governor, praying that His Excellency will favor this House with a copy of any Instructions he may have received from the Secretary of State relative to the political state of the colony generally, or in anticipation of any political crisis like the present, and of any Despatches from the Secretary of State in reply to Despatches from His Excellency on the same subject.

ORDER OF THE DAY:—

1. TOLLS 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, 12TH FEBRUARY, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR—REPLY TO.—The President announced to the Council that he had received from the Private Secretary to His Excellency the Governor the following Reply to the Address to His Excellency the Governor adopted by the Council on the 5th instant:—

MR. PRESIDENT AND GENTLEMEN—

I receive with much satisfaction this assurance of your continued loyalty to the Queen and of your respect for myself as Her Majesty's Representative.

You are already aware that it will always afford me pleasure to carry out, so far as my duty may permit, the wishes of either House of the Victorian Parliament.

In the present case, however, seeing that your honorable House has directed your President to forward your telegram himself, my Responsible Ministers advise that it is unnecessary to repeat it.

G. F. BOWEN.

Government Offices,
Melbourne, 9th February, 1878.

PETITION.—The Honorable Sir C. Sladen presented a Petition, signed by H. Laurie and others, styling themselves inhabitants of the Western Province of Victoria, and praying that payment of Members of Parliament may not be sanctioned unless the voice of the country be clearly expressed in its favor.
Petition received.

The Petition was read at the Table by the Clerk.

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

1. Cemetery Sites—New Form of Crown Grant for.—Regulation.—Order in Council (4th February, 1878).
2. Land Act 1869.—Regulation relating to Duties of District Surveyors' Substitutes.—Order in Council (4th February, 1878).
3. Crown Grant—New Form of—with Railway conditions.—Order in Council (4th February, 1878).
4. Sandhurst Mining District.—Polling Places.—Order in Council (4th February, 1878).
5. Races, Dams, &c.—Regulations for.—Rescission of words in Regulation of 12th April, 1869, relating to Licenses for cutting.—Order in Council (21st January, 1878).

Ordered severally to lie on the Table.

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

Public Accounts—Regulation respecting Certification of—in Public Works Department. (10th December, 1877.)

Ordered to lie on the Table.

INSTRUCTIONS FROM SECRETARY OF STATE.—The Honorable Sir C. Sladen, in accordance with notice, moved, That an Address be presented to His Excellency the Governor, praying that His Excellency will favor this House with a copy of any Instructions he may have received from the Secretary of State relative to the political state of the colony generally, or in anticipation of any political crisis like the present, and of any Despatches from the Secretary of State in reply to Despatches from His Excellency on the same subject.

Debate ensued.

Question—put and passed.

The Honorable Sir C. Sladen moved, That a Select Committee be appointed to prepare the Address.

Question—put and passed.

The Honorable Sir C. Sladen moved, That the following be the Members of the Select Committee, viz:—The Honorables J. Balfour, G. F. Belcher, Dr. Dobson, J. Graham, and the Mover.

Question—put and passed.

The Committee retired to prepare the Address.

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

The Address was read at the Table by the Clerk as hereunder set forth :—

To His Excellency Sir GEORGE FERGUSON BOWEN, 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, and Vice-Admiral of the same, &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, desire to approach Your Excellency with the assurance of our continued loyalty and devotion to Her Most Gracious Majesty, and of respect to Your Excellency as Her Majesty's Representative.

We desire to ask Your Excellency that, if there be any Despatches or Instructions of any kind in Your Excellency's possession, having reference to the present political state of the colony, or which have been communicated to Your Excellency in anticipation of such a state, Your Excellency will be pleased to present copies of them to the Legislative Council, if that can be done consistently with Your Excellency's duty to Her Majesty the Queen.

And we also pray that Your Excellency will, under similar conditions, be pleased to present to the Council copies of any Despatches from Your Excellency to Her Majesty's Secretary of State for the Colonies which may have led in any way to the receipt by Your Excellency of such Instructions or Despatches.

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

Question—put and passed.

The Honorable Sir C. Sladen moved, That the Address be transmitted by the President to His Excellency the Governor.

Question—put and passed.

TOLLS 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. Balfour 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 amendments.

The Honorable J. Balfour moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable J. Balfour moved, That the title of the Bill be "*An Act to extend the time for the Collection of certain Tolls.*"

Question—put and passed.

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

ADJOURNMENT.—The Honorable H. Cuthbert, 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 six o'clock until half-past four o'clock on Tuesday, the 19th instant.

NOTICE OF MOTION.

TUESDAY, 19TH FEBRUARY, 1878.

1. The Hon. SIR C. SLADEN : To move, That there be laid upon the Table of this House a Return of the number of ratepayers in the colony within the following limits, viz. :—
 - The number rated under £25.
 - The number rated at £25 and under £30.
 - The number rated at £30 and under £35.
 - The number rated at £35 and under £40.
 - The number rated at £40 and under £50.
 and that such Return distinguish between ratepayers who are freeholders, and ratepayers who are leaseholders.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 19TH FEBRUARY, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR—REPLY TO.—The President announced to the Council that he had received from the Private Secretary to His Excellency the Governor the following Reply to the Address to His Excellency adopted by the Council on the 12th instant :—

MR. PRESIDENT AND GENTLEMEN—

I thank you for this assurance of your continued loyalty to the Queen and respect for myself as Her Majesty's Representative.

I have already, in anticipation of your request, presented to Parliament, among other important official communications, the following Despatches from Her Majesty's Secretary of State for the Colonies, having reference to the present political affairs of this colony, viz. :—

(1.) No. 100 of 3rd October, 1877—

Respecting the Reports of Sir William Jervois and other officers on the Defences of Victoria, and stating that the Colonial Minister "Awaits with interest the receipt of information as to the "action which will be taken upon them by the Government and Parliament of Victoria."

(2.) No. 130 of the 20th December, 1877—

Approving the "attitude of strict impartiality" which I have maintained hitherto, and which Your Honorable House may rest assured that I shall continue to maintain.

(3.) No. 129 of the 20th December, 1877—

Stating that "the Payment of the Members of the Victorian Parliament is a matter with "which the Parliament and Government of Victoria alone have to deal, and which involves no "question calling for the intervention of the Imperial Government;" that "the signature of the "Governor of a colony, which has representative institutions, to the Message recommending the "money votes is a formal act, and the responsibility in the case rests not with the Governor but "with the Ministers who advise him;" and that "it will be your duty not to refuse to follow the "advice of your Ministers should the Estimates for the service of the coming year contain an item "to provide for the payment of the expenses of Members of the Legislature."

The substance of this last Despatch had reached me by telegraph in last October. I am desirous to comply with your wishes, Mr. President and Gentlemen, so far as my duty may permit. I shall accordingly present to Parliament from time to time, as they arrive, any further public Despatches of general interest, and particularly any Despatches referring to the subsequent Addresses with which I have been favored by Your Honorable House, and to the Addresses to Her Majesty the Queen, forwarded by both Houses of Parliament.

My duty will not permit me to engage to go further in this direction at present. But it will be a source of great satisfaction to me if I should hereafter be authorized to publish my entire correspondence with the Imperial Government during my administration of the Government of Victoria; for such publication would remove many misconceptions, and furnish much information of public interest.

Government Offices,

Melbourne, 19th February, 1878.

G. F. BOWEN.

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

G. F. BOWEN,

Governor.

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, in accordance with the advice of the Honorable the Attorney-General, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments in pursuance of the Joint Standing Order XV, viz. :—

1. "An Act to amend the Customs Act 1857."

2. "An Act to further amend the Passengers, Harbors, and Navigation Statute 1865."

Government Offices,

Melbourne, 19th February, 1878.

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

Press Messages in Victoria—Rates chargeable.—Order in Council (6th February, 1878).
Ordered to lie on the Table.

RATEPAYERS IN THE COLONY.—The Honorable Sir C. Sladen, in accordance with *amended* notice, moved, That there be laid upon the Table of this House a Return of the number of ratepayers in the colony within the following limits, viz. :—

- The number rated at £20 and under £25.
- The number rated at £25 and under £30.
- The number rated at £30 and under £35.
- The number rated at £35 and under £40.
- The number rated at £40 and under £50.

and that such Return distinguish between ratepayers who are freeholders and ratepayers who are leaseholders.

Debate ensued.

Question—put and passed.

ADDRESS TO HER MAJESTY THE QUEEN.—The Honorable Sir C. Sladen, with the leave of the Council, moved, without notice, That an Address be presented to Her Majesty the Queen in reply to the Address of the Assembly to Her Majesty, adopted on the 13th instant.

Debate ensued.

Question—put and passed.

The Honorable Sir C. Sladen moved, That a Select Committee be now appointed to prepare the Address.

Question—put and passed.

The Honorable Sir C. Sladen moved, That the Select Committee consist of the following Members, viz. :—The Honorables R. S. Anderson, J. Cumming, Dr. Dobson, N. Fitzgerald, F. T. Sargood, W. Wilson, and the Mover.

Question—put and passed.

The Committee retired to prepare the Address.

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

ADJOURNMENT.—The Honorable W. Wilson, with leave of the Council, moved, without notice, that the House, at its rising this day, adjourn until Wednesday, 6th of March.

Question—put and passed.

ADDRESS TO HER MAJESTY THE QUEEN.—The Address prepared by the Select Committee was read at the Table by the Clerk, as follows:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN :

We, Your Majesty's most dutiful and loyal subjects, the Legislative Council of Victoria, in Parliament assembled, beg to approach Your Majesty with expressions of our loyalty and attachment to Your Majesty's Throne and Person.

We regret being compelled to supplement our Address to Your Majesty, of the 23rd January last, and again to approach the Throne and to beseech Your Majesty to allow us to be heard in correction of statements contained in an Address to Your Most Gracious Majesty as adopted by the Legislative Assembly of this Colony on the 13th of this month.

One of the charges against the Council in that Address is, that they have claimed to exercise a control over the public expenditure "which has not been possessed or claimed by the House of Lords within the memory of living man."

If it be meant that, in throwing out the annual Appropriation Bill on four several occasions, the Council have claimed "to exercise a control over the public expenditure," the statement unqualified and unexplained has just enough truth in it for its support: But we desire most respectfully to assure Your Majesty that on each of those occasions the necessity of rejecting the Appropriation Bill was imposed upon the Council as the only means in our power of asserting and maintaining our independence as one of the branches of the Legislature, against the attempts made to coerce us to pass measures under cover of that Bill, which we conceived ought to have been placed before us in such a manner as to allow of our giving effect to our deliberate judgment concerning them.

The occasions alluded to were—

- (I.) When a Bill for imposing Duties of Customs was tacked to the annual Appropriation Bill in 1865.
- (II.) When a grant to Lady Darling of £20,000 was tacked to the annual Appropriation Bill in the first Session of 1867.
- (III.) When a grant to Lady Darling of £20,000 was tacked to the annual Appropriation Bill in the second Session of 1867.
- (IV.) When an item for Payment of Members was tacked to the annual Appropriation Bill for 1877-8.

There have been nineteen Administrations in this colony since the introduction of Responsible Government, and only under one of these, until the present period, has the "harmonious working" of the Constitution been materially disturbed. In each instance the disturbance was owing to an attempt by the Government of the day to deprive us of our constitutional rights.

We assure Your Majesty that we have never attempted to exercise control over the public expenditure as is charged against us, and we challenge proof of the charge; but we have considered it our duty to uphold our right to a voice in all matters of public policy.

Whether the Council, under the Victorian Constitution (which, we conceive, embodies the conditions of the political existence of Victoria as a self-governing colony), have the same or more or less power than the House of Lords, we contend that we have always acted within the limits of the Constitution, and we trust we shall ever be loyal to it.

The circumstances surrounding the laying aside of the Appropriation Bill were fully set forth in one of the Appendices to the Address which was adopted by the Council, on the 23rd of January last, for presentation to Your Majesty.

The Advisers of Your Majesty's Representative were well aware that we had given a reluctant assent to the Act for Payment of Members of Parliament now in operation, but limited in its duration to this session, as an experiment and not as an Act of settled policy. They were further informed of our claim to have the same opportunity as theretofore of exercising our unfettered judgment with regard to the propriety of continuing that Act, when a question was asked of the Minister conducting the Government business in the Council, in his place in the Council, of the intention of the Government in relation to it; and again when an Address on the same subject was presented by us to His Excellency the Governor in November last; and we are justified in saying that they would not be able to deny that the vote of £18,025 taken in the Committee of Supply, amongst the votes for the services of the year, was intended to deprive us of our legitimate right to have a voice in determining the policy involved in it.

We desire to assure Your Majesty, that "the rejection of the Appropriation Bill" was not "because one item among many hundreds was objected to," but because we were denied the opportunity of giving expression to our opinion upon the wisdom of the policy involved in that item as we claim we ought to have had, and as we had always previously had in relation to the same question. Besides, we have always considered the practice of the Imperial Parliament, which we are accused of disregarding, opposed to the insertion in the annual Appropriation Bill of any matter which it was known the Lords had reasonable grounds for wishing to consider in a separate Bill.

The Forts and Armaments Bill was not laid aside because it had a Free-gift Preamble, but principally because of the extraordinary nature of the Preamble (unprecedented in this colony), whereby the Assembly asserted for itself the sole right of determining the necessity and sufficiency of the means existing for the defence of Victoria, and because the Report of Sir William Jervis embodied in that Bill had not been submitted to the Council for their concurrence and approval, as they contend it should have been, and had not been laid on the Council Table. The Preamble, it is stated, was copied from an Imperial Statute on the kindred subject of National Defences; but, whether or not a Free-gift Preamble should in any case under the Victorian Constitution have a place in Bills dealing with the Consolidated Revenue, there is certainly no justification for taking as a precedent a Preamble which was introduced for the first time by the House of Commons in 1860, whereas, under the Victorian Constitution, "the rules, forms, and usages of the Imperial Parliament," as they existed previously to and in the year 1855, are alone to be followed where applicable. We regretted exceedingly that we felt compelled to throw out that Bill, as we have always been, and are still, most anxious to concur in the expenditure therein proposed; but this Bill was submitted in such a form as rendered it impossible for us to assent to it without at the same time establishing a precedent by which the Assembly would in future insist that we had waived our right to be consulted on the necessity for the expenditure of the revenue for such purposes.

We maintain that we are not amenable to the charges made by the Assembly that "the Session which should have been fruitful in legislative results has been rendered comparatively barren by obstruction from a Chamber whose ready co-operation and assistance the country had a right to expect."

Of the principal measures submitted this session, the most important—such as the Land Tax Act, Customs Duties Act, Mining Statute Amendment Act, Drainage of Mines Act, a Railway Construction Act, and several others—have had the concurrence of the Council and been passed. Two Bills for constructing two lines of Railway are now the subject of a Conference between the two Houses. The Supreme Court Judicature Bill—a very important measure of reform—was originated and passed by the Council, but has received no attention in the Assembly. The Mining on Private Property Bill, after a sifting enquiry before a Select Committee of the Council, was returned to the Assembly, with amendments; but these amendments have not even been considered by the Assembly.

The Tolls Bill has been passed by the Council with slight amendments, and yet the Assembly have declined to proceed with it.

Other important Bills of the Session, such as the Forts and Armaments Bill, the Payment of Members Bill, and the annual Appropriation Bill, were disposed of in the manner before mentioned, it having been impossible for us to consider them upon their merits in consequence of the form in which they were submitted.

Out of 56 Bills initiated in the Assembly only three in addition to those above specially alluded to were rejected by us, viz.:—

1. The Exhibition Bill for authorizing the expenditure of £100,000 in the erection of a permanent Exhibition Building in one of the public gardens of the City of Melbourne.
2. A Bill to enable the Government to borrow a sum of money from the Railway Loan Construction Fund, for other purposes than those set forth in the Loan Act.
3. A Bill for the Abolition of Dower, introduced by a private Member of the Assembly.

It is not against the Council, therefore, that the charge can truthfully be made that the session is barren of results; nay, more, we confidently assure Your Majesty that we have endeavoured throughout the session to give our ready co-operation and assistance to all the business that was brought before us, in a disinterested manner, and with a just sense of its importance, having the one desire only to protect and support the permanent interests and welfare of the country; and we respectfully submit that the action of the Council therefore, during the present session, is not amenable to the charge of "obstructiveness" which has been so persistently urged against us on other occasions and with no more foundation than in the present instance.

It is evident from portions of the Address of the Assembly to Your Majesty that, underlying all their arguments in favor of constitutional action, there lurks the desire to ignore or to get rid of the second Chamber, and that there exists the impatient feeling that the Constitution Act must be altered where it does not countenance the unlimited control by the Assembly of every

measure of public policy by which the expenditure of the Consolidated Revenue is in any way affected.

The expression by the Assembly of their intention, "in view of the serious public inconvenience caused by repeated rejections of the Annual Appropriation Bill by the Legislative Council," to consider "all votes or grants passed in Committee of Supply as legally available for expenditure immediately such resolutions are agreed to by the Legislative Assembly," is in open defiance of both the Constitution Act and the Audit Act.

This determination is arrived at in apparent forgetfulness that loyalty to Your Majesty's Throne and Person should combine with it loyalty to the Victorian Constitution as conferred upon this portion of Your Majesty's dominions by the Imperial Parliament with Your Majesty's sanction, and in apparent forgetfulness that the rejection of the Appropriation Bill in this Session, and of similar Bills on three previous occasions, has been due to that Bill having been used contrary to the Constitution Act as well as to the usage and practice of the Imperial Parliament, as a lever to force the Council to give their sanction to a question of policy, whether we approved of it or not.

Whatever view the Council may hold with regard to the merits of the all-absorbing question of the day—Payment of Members—we desire to represent to Your Majesty that during this Session we have not had the opportunity afforded us of considering that question on its merits, and of expressing our deliberate judgment upon it.

On former occasions, when we have concurred in passing Bills making a special appropriation for payment of Members, we have treated them as experimental legislation. We laid aside the Appropriation Bill because our independence as a branch of the Legislature was threatened by the coercive measures resorted to by the Advisers of Your Majesty's Representative, when they advised His Excellency to transmit two separate Messages to the Assembly, each recommending an appropriation out of the Consolidated Revenue "for reimbursing Members their expenses in relation to their attendance in Parliament"; and because these two Messages were made use of in the Assembly at the same time, the one to pass a vote in the Committee of Supply for Payment of Members, for the remainder of the financial year after the end of the session, amongst votes for the ordinary services of the year; the other for making a special appropriation for such reimbursement during the remainder of the present Parliament; and it should be remembered that this second appropriation for the same object was initiated irrespectively of and after the first-named vote had been taken in the Committee of Supply, and reported to the Assembly, ready for insertion, with the other votes, in the Annual Appropriation Bill.

We desire to inform Your Majesty that in October 1865, we invited the Assembly to concur with us in an Address to Your Majesty, praying that Your Majesty would graciously allow the differences then existing between the two Houses relating to the interpretation of the Constitution Act to be referred to the Judicial Committee of the Privy Council, but the Assembly considered such reference inexpedient.

We further inform Your Majesty that, during the present session, we have again intimated in one of our Messages to the Assembly our willingness to submit our differences as to the construction of the Constitution Act to the judgment of the Judicial Committee, but without receiving any response. We believe that we have never exercised or claimed any power, rights, or privileges which have not been conferred upon us by that Statute, and as the Assembly have not thought it expedient to adopt the course proposed by us, it is fair to conclude that they are persuaded that the construction contended for by us would be supported by the highest Court of Appeal available to us in Your Majesty's dominions, and that they, therefore, prefer to go behind the Constitution Act, and to rely upon what they state were the intentions of the originators of it, although the only safe and certain way of ascertaining what those intentions were, is the result of their deliberations as embodied in the Act passed by them; and more particularly so in the present instance as the Bill for a New Constitution sent home by the original Legislative Council of this colony for the sanction of Your Majesty and the Imperial Parliament, was materially altered by the Imperial Parliament before it was adopted as a schedule to an Act of that Parliament.

Besides the unfounded charge made against the Council of exercising an unwarrantable control over the Public Expenditure, a still more serious charge, and with no more truth to support it, is laid against the Council, when it is stated that the owners of great estates and the tenants of great territories leased from the Crown, who have always predominated in the Council Chamber, have thrown out measures sometimes without debate or explanation, because those measures did not subserve their class interests. We indignantly deny the aspersion cast upon us, and we deliberately declare that if class interests have been specially cultivated in the Victorian Parliament the Council is not amenable to that charge, as the Legislation on the Statute Book will clearly demonstrate.

In reply to the allegation in the Address of the Assembly to Your Majesty, that an agreement was arrived at more than ten years ago, "to the effect, that the practice of the Lords and Commons respectively should be observed by the two Chambers in this colony as to all subjects of Aid and Supply," we beg to inform Your Majesty that the proposed agreement was never perfected by either branch of the Legislature, and would not in the slightest degree have obviated the existing differences if it had been.

We confidently assert that we have always acted in obedience to the 34th section of the Constitution Act, which makes the practice of the Imperial Parliament "so far as the same may be applicable," binding upon both the Council and the Assembly. And we believe also, that we have carried out the spirit of the alleged inchoate agreement, so far as it is consistent with that Act. And, we feel bound to add, that if the Assembly also had been as careful to observe that agreement, the disturbing element which has led to the rejection of the Appropriation Bill would not have been obtruded by that Chamber.

We conceive it to be an act of duty we owe to Your Majesty, to the Constitution, and to the Colony, to protest, as we do hereby most respectfully protest, against the mode by which the Assembly propose to expend revenue upon their own votes and resolutions only, without the sanction of the Council. And we most humbly beseech Your Majesty to regard with Your Majesty's Royal favour the protest we hereby record against any violation of the Statute Law of the Colony,

which requires that before any expenditure of revenue can be lawfully made there must be the authority of an Act of the Legislature of Victoria to warrant it.

We therefore humbly and earnestly pray that Your Majesty will take the circumstances into Your Majesty's serious consideration, and will give such instructions concerning them as Your Majesty shall think fit.

The Honorable Sir C. Sladen moved, That, in the sixth paragraph, the words "as we thought," be inserted after the words "deprive us."

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

The Honorable Sir C. Sladen moved, That the word "ready" be struck out of the last line but one of the twenty-third paragraph.

Question—put and passed.

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

Question—put and passed.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable Sir C. Sladen moved, That an Address be presented to His Excellency the Governor requesting His Excellency to transmit the accompanying Address to Her Majesty the Queen by the mail leaving Melbourne on Thursday next.

Question—put and passed.

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

To His Excellency Sir GEORGE FERGUSON BOWEN, 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, and Vice-Admiral of the same, &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 our expressions of respect for Your Excellency as holding the exalted position of Her Majesty's Representative.

We pray that Your Excellency will be pleased to transmit the accompanying Address, adopted by the Council this day, to Her Majesty's Secretary of State for the Colonies for presentation to Her Majesty.

Question—put and passed.

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

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 6TH MARCH, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable W. Campbell presented a Petition signed by E. Bucknell and others, styling themselves residents at Deep Creek and Majorca, praying that the Council will maintain its position in the existing crisis.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable F. T. Sargood presented a similar Petition, signed by D. Moore and others, styling themselves Barristers, Merchants, Traders, Manufacturers, and others, resident in and around Melbourne.

Petition received.

The Petition was read at the Table by the Clerk.

PETITIONS.—The Honorable R. S. Anderson presented similar Petitions on the same subject from Bright, from Beechworth, from Wahgunyah and Rutherglen, and from Rushworth.

Petitions received.

PETITION.—The Honorable A. Fraser presented a similar Petition from Kyneton.

Petition received.

PETITIONS.—The Honorable W. Highett presented similar Petitions from Alexandra and from Yackandandah.

Petitions received.

PETITION.—The Honorable Sir S. Wilson presented a similar Petition from Mortlake, Terang, and Glenormiston.

Petition received.

PETITIONS.—The Honorable R. Simson presented similar Petitions from Warrnambool and from Derrinallum.

Petitions received.

PETITIONS.—The Honorable C. J. Jenner presented similar Petitions from Colac and from Egerton.

Petitions received.

PETITION.—The Honorable J. Balfour presented a similar Petition from Nunawading.

Petition received.

PETITIONS.—The Honorable G. F. Belcher presented similar Petitions from Geelong and from Lismore, Inverleigh, and Teesdale.

Petitions received.

PETITIONS.—The Honorable J. A. Wallace presented similar Petitions from Chiltern and Barnawartha, from Walhalla, from Maffra, and from Mitta Mitta and Snowy Creek.

Petitions received.

PETITIONS.—The Honorable J. P. Bear presented similar Petitions from Lancefield and Romsey, from Heidelberg, from Wyndham, from Dromana, from Murchison, Mooroopna, Whroo, and Nagambie, and from Bacchus Marsh.

Petitions received.

PETITIONS.—The Honorable W. Campbell presented similar Petitions from Wedderburn, from McIntyre, and from Maryborough.

Petitions received.

PETITION.—The Honorable F. Robertson presented a similar Petition from Kangaroo Flat.

Petition received.

PETITIONS.—The Honorable Sir C. Sladen presented similar Petitions from Belfast, and from inhabitants of the Western Province.

Petitions received.

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

1. Sanatory Station.—Report of Chief Medical Officer for Year ending 31st December, 1877.
2. Mining Surveyors and Registrars—Reports of, for Quarter ending 31st December, 1877.
3. Philadelphia Exhibition.—Despatch from the Right Honorable the Secretary of State on Report of Commissioners (29th December, 1877).
4. Ballarat Juvenile Industrial Exhibition—Despatch from the Right Honorable the Secretary of State concerning (15th January, 1878).
5. Indian Famine Relief Fund—Despatch from the Right Honorable the Secretary of State concerning (26th December, 1877).

Ordered severally to lie on the Table.

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

G. F. BOWEN,

Governor.

The Governor informs the Legislative Council, with reference to their Address of the 22nd January, and to his reply of the 24th January ultimo, that the Secretary of State for the Colonies has acknowledged, by telegraph, the receipt of the Memorandum of the Chief Secretary of the 31st December ultimo, referred to by the Legislative Council.

Consequently the Governor has directed that copies of that Memorandum shall be presented to both Houses of Parliament.

The Secretary of State has further acknowledged, without comment, the receipt of a telegram from the President of the Legislative Council.

Government Offices,

Melbourne, 5th March, 1878.

Memorandum by the Honorable the Chief Secretary.

(Transmitted to the Secretary of State for the Colonies on 31st December, 1877.)

Presented to both Houses of Parliament by His Excellency's command.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Your Excellency's Advisers consider it desirable at the present juncture to request the attention of Your Excellency to the grave circumstances surrounding public affairs, now that the Legislative Council has added the Annual Appropriation Bill to the long list of measures rejected during this Session. This course is the more necessary, inasmuch as Your Excellency may consider your action fettered by despatches from former Secretaries of State to your predecessors, or to the Governors of neighbouring colonies in somewhat analogous circumstances.

Ministers have no desire to appeal to the Imperial authorities under existing circumstances for such interference of the Imperial Parliament as was shadowed forth by Viscount Cardwell in the concluding paragraph of his Despatch of January 26th, 1866; but Ministers are anxious that Your Excellency should have the earliest intimation of their own views with respect to the course which in their opinion should be adopted, not only to alleviate the inconvenience and suffering which the total stoppage of Supplies is certain to create, but to vindicate Responsible Government, and sustain the true dignity of the Crown in this colony. Your Excellency's Advisers have had under their serious consideration Viscount Cardwell's Despatches to Sir Charles Darling in 1865-6, especially those of October 26th, 1865, and January 26th, 1866, and also those of Earl Granville to the Earl of Belmore, when Governor of New South Wales, dated June 16th, 1869, and January 7th, 1870; all of which have been published in these colonies. In these State-papers it appears to be laid down, with respect to the issue of public money, that the Governor must personally, and independently of the advice of his Ministers and of the colonial Law Officers of the Crown, ascertain (1) what the statute law is, and (2) what is the proper interpretation of it. No public money can be issued without his Warrant, and the serious and critical duty which the despatches enjoin is imposed upon him personally of ascertaining and deciding when he can legally sign such Warrants.

Former Ministries in Victoria and in New South Wales have declared the position thus imposed on the Governor by the instructions of Viscount Cardwell and Earl Granville to be incompatible with the principles of Responsible Government established in these colonies. Your Advisers now contend, and respectfully submit for your consideration, that in all cases whatsoever, where no Imperial interest is concerned, with reference to a duty imposed on the Governor, the term "*Governor*" must constitutionally mean "*Governor in Council*"; this interpretation, which is prescribed by an Act of the Colonial Parliament, relieving the representative of the Crown of all personal responsibility.

Earl Granville intimated on January 7th, 1870, that the Governor would be relieved from all personal responsibility, and that he might in cases of emergency sign Warrants for the issue of public money, though without the previous sanction of statute law, provided that there was sufficient evidence that the Legislature desired him to adopt that course at the instance of his Responsible Advisers. Ministers believe that a great

emergency, far more critical than any foreseen by Earl Granville, has now arisen in Victoria. The Legislative Council has rejected, on merely technical grounds of privilege, the General Appropriation Bill of the year, containing among other items, £100,000 for Defence purposes; having previously rejected the Defences Bill, providing £380,000 for the forts and other armaments recommended by Sir William Jervois. Supply will be totally exhausted early in March next, when the Local Forces, the Police, the Gaols, and the other public services, can no longer be paid and maintained, except in the mode submitted to Your Excellency in this Memorandum; nor, if a Russian squadron should appear in the Bay, can Your Excellency, under the existing instructions, sign Warrants for providing ships' crews, torpedoes, ammunition, or other means of defence against it. It is manifest also, that early in March, the iron-clad turret-ship "Cerberus" must be paid off;—the only effective defence the colony possesses at the present time;—and which has recently elicited the approval of Commodore Hoskins, and other competent Imperial Officers, for complete efficiency.

Ministers would further remind Your Excellency that this impending state of paralysed defence against a foreign foe, and of internal anarchy with respect to the operations of Government, is not caused by any financial embarrassment. The Treasury is full; the public revenue this year exceeds Four and a half millions sterling;—Your Excellency, as the representative of the Crown, has duly asked for all necessary Supplies, both for resisting possible foreign aggression, and for the proper and efficient carrying on of the peaceful government of the colony; and the Legislative Assembly, with promptitude and liberality, have granted all the Supplies asked for on behalf of the Crown. Thus the financial Chamber, fresh from a general election, led by Your Excellency's Advisers, has, by overwhelming majorities, granted and appropriated all the Supplies necessary; but the Chamber which cannot by law appropriate any portion of the public revenue, nor make the most trivial alteration in a Supply or Appropriation Bill, has recklessly, and Ministers submit, unconstitutionally, rejected the Appropriation Bill of the year, which is essential to clothe with the sanction of law the grants of the Assembly.

Your Excellency's Advisers must now solicit your attention to the fact that, up to the year 1862, the custom of this country was to apply public money to the services of the year, on the report of the Committee of Supply to the Assembly, without waiting for other legislative authority whatever. In that year the practice of sending up Supply Bills to the Legislative Council was commenced without any alteration of the law, and has since been continued as a matter of public convenience. Therefore, under the same law as exists now, former Governors habitually signed Warrants for the issue of public money, although the Council had not sanctioned the expenditure. Ministers would further point out that the form of Supply Bill which superseded the custom above alluded to, contained a clause appropriating the amount so voted to any purpose the Legislative Assembly might determine in the then Session of Parliament, whether voted before or after the passing of the said Bill. Ministers submit that, notwithstanding the change in usage above referred to, the Assembly never abandoned its inherent right to occupy in Victoria the exact position of the House of Commons in England, with respect to Taxation and Appropriation.

Your Excellency's Advisers desire to fix your attention upon the fact, that by simply recurring to the former practice, the state of anarchy and confusion consequent on the stoppage of Supply by the Council, can be effectively and constitutionally avoided. Under these circumstances, the time may not be distant when Your Excellency may be asked by Address from the Legislative Assembly, to make (in accordance with former practice) legally available on the advice of your Ministers, the Supplies which they (the Assembly) have cheerfully and liberally granted.

Your Excellency will note that the remedy your Advisers suggest, for a serious and alarming public danger, is not to suspend any laws, or to have recourse to new and unprecedented devices, but simply to revive the original and constitutional practice with respect to Public Expenditure. See enclosures
herewith.

Your Advisers refrain on the present occasion from alluding to other matters connected with the present very critical and dangerous position of public affairs, because this question of Supply is of extreme urgency; and because they do not desire to complicate the simple issue of signing the necessary Warrants with other questions of great although not of such pressing importance.

It will be remembered, moreover, that this question of Supply is of grave Imperial as well as Colonial interest; and seriously affects the rights of British subjects resident in the United Kingdom, as well as in Victoria. For a large portion of the mercantile shipping, and other valuable property in the port of Melbourne, belongs to British subjects domiciled in England, and would be exposed to destruction or to grievous damage, in the event of foreign attack or of internal anarchy;—against neither of which disastrous contingencies can any provision be made, if Supplies continue to be stopped through the action of the Legislative Council.

In conclusion, the point on which Ministers request a decision is, briefly, this:—

If, when both Houses of Parliament meet after the Christmas recess, the Legislative Council should again refuse to pass a general Appropriation Bill, or a special Bill granting Supplies for the remainder of the financial year, Ministers submit that Your Excellency will be justified, on receiving an Address from the Legislative Assembly praying you so to do, to revert to the practice in force here up to 1862, and to sign on the advice and responsibility of Ministers (including the colonial Law Officers of the Crown) the Warrants required by law for the issuing from the Treasury the public money voted and appropriated by the Assembly for the maintenance of the Public Service, and also for the Forts and other Defence Works recommended by Sir W. Jervois.

(Signed) GRAHAM BERRY.

The Treasury,
Melbourne, 31st December, 1877.

ENCLOSURE IN MINISTERIAL MEMORANDUM OF 31ST DECEMBER, 1877.

With reference to the statements made and the question submitted in the Ministerial Memorandum of 31st December, 1877, there is now annexed for Your Excellency's information—

- (1) A case prepared by the Commissioners of Audit for the opinion of the Law Officers of the Crown.
- (2) The Opinion thereon of Mr. Howard Fellows, then Solicitor-General of Victoria, and now one of the Judges of the Supreme Court of this colony.

(1.)

Case for Opinion.

The Audit Act 21 Vic. No. 24 provides (clauses 17, 18 and 19) that no moneys shall after the 1st January next be issued from the Treasury until the Commissioners of Audit or two of them shall have countersigned a Warrant addressed to the Treasurer.

Before signing the Warrant, the Commissioners are to ascertain that the sums included in it are legally available for, and applicable to the service or purpose mentioned; they cannot sign unless such be the case; and without their signature the moneys may not be issued. No moneys therefore are to be issued from the Treasurer until the same are legally available.

The question arises whether the words "legally available" imply, as would seem to be the case, that the Appropriation Act must have passed both Houses and have become law; or whether, on the ground of custom and precedent, the Resolutions of the Assembly, duly agreed to by the House, but without the consent of the other branches of the Legislature, may be considered as making the money "legally available" for issue.

18th December, 1857.

(2.)

Opinion of the Solicitor-General (Mr. Howard Fellows).

I think that Resolutions of a Committee of Supply, reported to, and adopted by the House, make the amount "legally available." In point of fact votes of credit were passed and monies issued on them during 1857, when changes of Ministers took place, and which have never been questioned. It is moreover in accordance with the practice of the House of Commons.

(Signed)

THO. HOWARD FELLOWS,
11 Jan., 1858.

The then Attorney-General of Victoria (Mr. Chapman, afterwards a Judge of the Supreme Court of New Zealand) concurred in the above opinion of Mr. Fellows; so did the other leading lawyers of that day; and so do the present Law Officers of the Crown in Victoria.

(Signed)

GRAHAM BERRY,
Premier.

N.B.—The subjoined additional Opinions were subsequently transmitted:—

OPINION OF THE HONORABLE THE ATTORNEY-GENERAL.

I have read the "enclosure in the Ministerial Memorandum of 31st December, 1877," and I concur with the opinion of Mr. Fellows,—then Solicitor-General,—dated 11th January, 1858, "that Resolutions of the Committee of Supply, reported to and adopted by the House, make the amount legally available."

That opinion was subsequently affirmed by those of Mr. Chapman, Attorney-General, dated 7th January and 21st March, 1859; also by the joint opinion of Messrs. Higinbotham, Attorney-General, and Michie, Q. C., Minister of Justice, dated 22nd September, 1865.

I have annexed hereto Parliamentary Papers bearing on the question, and containing the opinions referred to in full, by which it will be seen that the subject has been so exhaustively considered that no room is left for any new light to be thrown on it by me.

ROBERT LE POER TRENCH,
Attorney-General.

Crown Law Offices,
24th January, 1878.

* AUDIT COMMISSIONERS.—Return to an Order of the Legislative Assembly dated October 12, 1865.—See Parliamentary Papers 1864-5.

(Copy.)

OPINION OF MESSRS. HIGINBOTHAM AND MICHIE.

Crown Law Offices, 22nd September, 1865.

Reply of the Attorney and Solicitor General to a Memo. from Sir C. Darling.

The above opinion is independent of, and does not dispose of the question, as to whether moneys to the credit of the public account are legally available to satisfy votes of the Assembly prior to the passing of an Appropriation Act.

We are of opinion that such moneys are "legally available," and they were always so treated until the Audit Commissioners, some time back, expressed an opinion that such votes should receive, before being acted upon, the sanction of the entire Legislature; since which opinion of the Commissioners the practice has been (but unnecessarily, as we think) to refrain from acting on these votes, until the Appropriation Act confirming them was passed.

(Signed)

GEO. HIGINBOTHAM,
ARCHD. MICHIE.

PRINTING OF MEMORANDUM.—The Honorable H. Cuthbert moved, That the Memorandum be printed with the Message.

Question—put and passed.

ADJOURNMENT.—The Honorable H. Cuthbert, with leave of the Council moved, without notice, That the House, at its rising this day, adjourn until Thursday, the 14th instant.

Question—put and passed.

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

NOTICES OF MOTION.

THURSDAY, 14TH MARCH, 1878.

1. The Hon. J. P. BEAR : To ask the Honorable the Postmaster-General whether there is any truth in statements made by the public press that steps have been taken by the Government for constructing any portion of the projected line of Railway between Oakleigh and Melbourne, known as the direct line ; whether any land has been purchased, or contracts, or agreements entered into by the Government with any person or persons for the purchase of any land on the above projected line of railway.
2. The Hon. J. BALFOUR : To call the attention of the Honorable the Postmaster-General to the statements made in the press that the Honorable the Premier would not deal with the Tolls Bill, which was originated in the Assembly and assented to by this House with only the necessary technical alterations, until the present crisis was over ; and to ask if such statements are in accordance with fact.
3. The Hon. J. BALFOUR : To call the attention of the Honorable the Postmaster-General to the numerous so called Art Unions advertised as under the sanction of the Attorney-General ; and to ask if he will withdraw his sanction from all such as are not *bonâ fide* for the promotion of art.

NOTICES OF MOTION:—

1. The Hon. Sir C. SLADEN : To move, That a further Return be laid on the Table to supplement the Return ordered on the 19th February, showing the number of ratepayers rated at £50 and under £100, £100 and under £150, £150 and under £200, £200 and under £250, £250 and under £300, £300 and under £350, £350 and under £400, £400 and upwards.
2. The Hon. Sir C. SLADEN : To move, That an Address be presented to His Excellency Sir G. F. Bowen, submitting the views of the Legislative Council on the Memo. of the Chief Secretary, addressed to His Excellency, on the subject of making payments legal on the votes of the Legislative Assembly, and requesting His Excellency to forward a copy of such Address to Her Majesty's Secretary of State for the Colonies.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 67.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 14TH MARCH, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable A. Fraser presented a Petition, signed by J. Edwards and others, styling themselves residents in and around Clunes, and praying that the Council will maintain its position with regard to Payment of Members of Parliament.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable W. Campbell presented a similar Petition from Rupanyup (Wimmera).

Petition received.

PETITION.—The Honorable Sir S. Wilson presented a similar Petition from Camperdown.

Petition received.

PETITION.—The Honorable J. P. Bear presented a similar Petition from Dandenong.

Petition received.

PETITION.—The Honorable T. F. Hamilton presented a similar Petition from Wombat Creek.

Petition received.

PETITION.—The Honorable T. Bromell presented a similar Petition from Nareen.

Petition received.

PETITION.—The Honorable F. Robertson presented a similar Petition from Malmsbury.

Petition received.

DISMISSED CIVIL SERVANTS, CLASSIFIED AND NOT CLASSIFIED.—The Honorable H. Cuthbert laid on the Table a Return to the Order of the Council, made on the 22nd January last.

APPOINTMENTS BY PRESENT GOVERNMENT.—The Honorable H. Cuthbert laid on the Table a Return to the Order of the Council, made on the 22nd January last.

HONORABLE H. CUTHBERT.—The Honorable Dr. Dobson moved, That the Honorable H. Cuthbert be now heard.

Debate ensued.

Motion, by leave, withdrawn.

RATEPAYERS IN THE COLONY.—The Honorable Sir C. Sladen, in accordance with notice, moved, That a further Return be laid on the Table, to supplement the Return ordered on the 19th February, showing the number of ratepayers rated at £50 and under £100, £100 and under £150, £150 and under £200, £200 and under £250, £250 and under £300, £300 and under £350, £350 and under £400, £400 and upwards.

Question—put and passed.

DISMISSED CIVIL SERVANTS, CLASSIFIED AND NOT CLASSIFIED.—The Honorable G. F. Belcher moved, That the Return laid on the Table of the House this day be printed.

Debate ensued.

Question—put and passed.

The Council adjourned at twenty-five minutes to six o'clock until half-past four o'clock on Tuesday, the 19th instant.

NOTICES OF MOTION.

TUESDAY, 19TH MARCH, 1878.

1. The Hon. C. J. JENNER : To ask the Honorable the Postmaster-General when tenders will be called for the construction of the Railway from Geelong to Queenscliff.
2. The Hon. J. BALFOUR : To call the attention of the Honorable the Postmaster-General to the statements made in the press that the Honorable the Premier would not deal with the Tolls Bill, which was originated in the Assembly and assented to by this House with only the necessary technical alterations, until the present crisis was over ; and to ask if such statements are in accordance with fact.
3. The Hon. J. BALFOUR : To call the attention of the Honorable the Postmaster-General to the numerous so called Art Unions advertised as under the sanction of the Attorney-General ; and to ask if he will withdraw his sanction from all such as are not *bonâ fide* for the promotion of art.

NOTICES OF MOTION:—

1. The Hon. Sir C. SLADEN : To move, That an Address be presented to His Excellency Sir G. F. Bowen, submitting the views of the Legislative Council on the Memo. of the Chief Secretary, addressed to His Excellency, on the subject of making payments legal on the votes of the Legislative Assembly, and requesting His Excellency to forward a copy of such Address to Her Majesty's Secretary of State for the Colonies.
 - (2.) That a Committee be appointed to prepare the Address, consisting of seven Members.
 - (3.) That the Committee consist of the following Members :—The Honorables J. Balfour, R. S. Anderson, W. Wilson, J. A. Wallace, J. Cumming, Sir S. Wilson, and the Mover.
2. The Hon. H. CUTHBERT : To move, That the Payment of Members Bill be now read a second time.
3. The Hon. F. T. SARGOOD : To move, That the subject of altering and amending the constitution of this House, and the conducting the election of Members thereof, be referred to a Select Committee of ten Members, and that the Committee have power to sit during the adjournment of the House, and to call for witnesses and papers.

Contingent on the foregoing motion being carried—

4. The Hon. F. T. SARGOOD : To move, That the Committee be chosen by ballot.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 19TH MARCH, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

G. F. BOWEN,

Governor.

The Governor transmits to the Legislative Council further Despatches relating to the Crisis of 1866-8.

Government Offices,

Melbourne, 19th March, 1878.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable Sir C. Sladen, in accordance with *amended* notice, moved, That an Address be presented to His Excellency Sir G. F. Bowen, submitting the views of the Legislative Council in the Memorandum of the Chief Secretary, addressed to His Excellency, on the subject of making payments legal on the votes of the Legislative Assembly, and for making payments under the 45th section of the Constitution Act, and requesting His Excellency to forward a copy of such Address to Her Majesty's Secretary of State for the Colonies.

Debate ensued.

The Honorable R. Simson moved, That the debate be now adjourned.

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

The Council adjourned at twenty-five minutes to eleven o'clock until half-past four o'clock on Wednesday, the 20th instant.

NOTICES OF MOTION.

WEDNESDAY, 20TH MARCH, 1878.

1. The Hon. J. BALFOUR : To call the attention of the Honorable the Postmaster-General to the statements made in the press that the Honorable the Premier would not deal with the Tolls Bill, which was originated in the Assembly and assented to by this House with only the necessary technical alterations, until the present crisis was over ; and to ask if such statements are in accordance with fact.

NOTICES OF MOTION :—

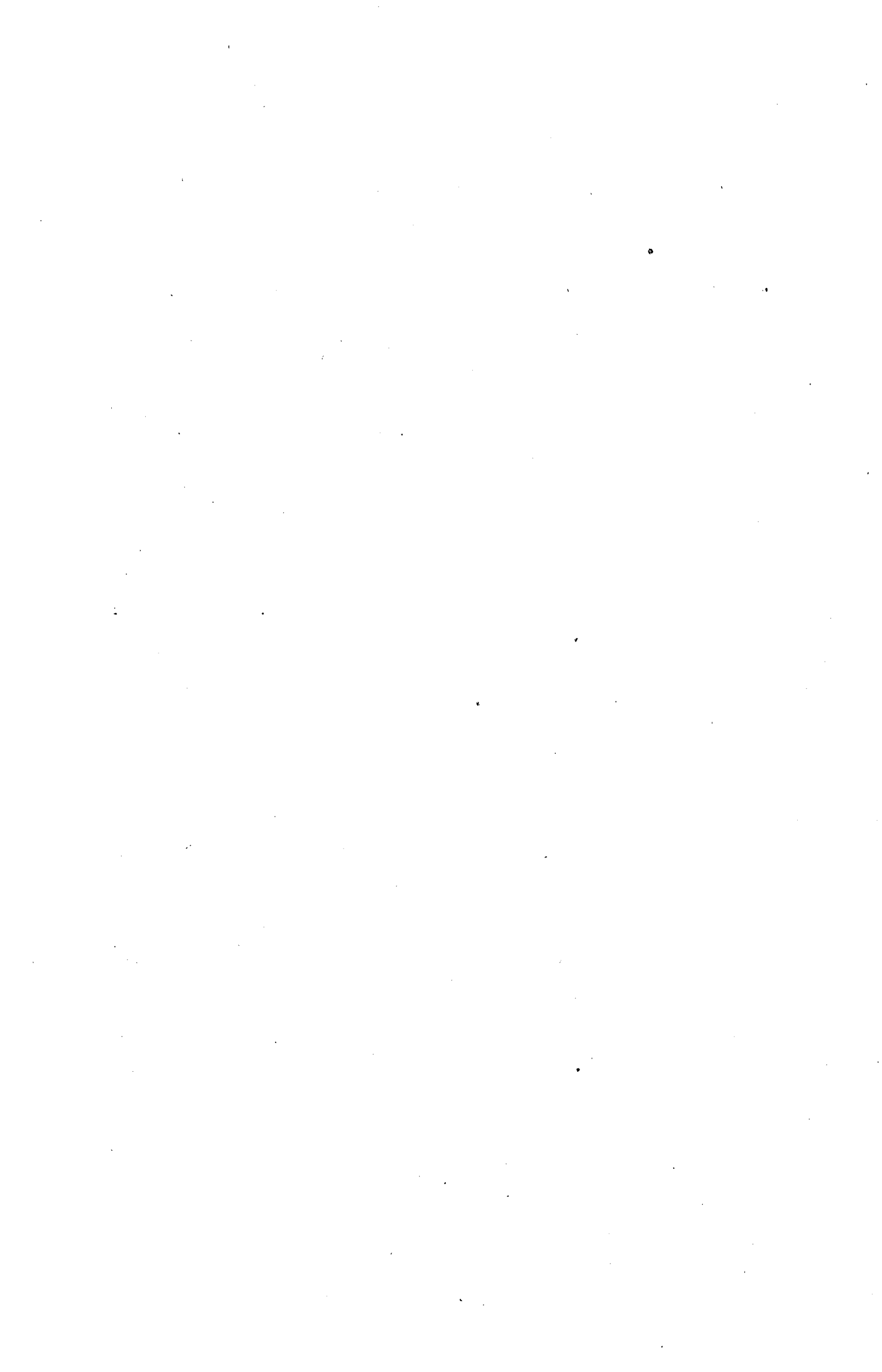
1. *Adjourned debate on motion by the Hon. Sir C. SLADEN:* That an Address be presented to His Excellency Sir G. F. Bowen, submitting the views of the Legislative Council on the Memorandum of the Chief Secretary, addressed to His Excellency, on the subject of making payments legal on the votes of the Legislative Assembly, and for making payments under the 45th section of the Constitution Act, and requesting His Excellency to forward a copy of such Address to Her Majesty's Secretary of State for the Colonies.
 - (2.) That a Committee be appointed to prepare the Address, consisting of seven Members.
 - (3.) That the Committee consist of the following Members :—The Honorables J. Balfour, R. S. Anderson, W. Wilson, J. A. Wallace, J. Cumming, Sir S. Wilson, and the Mover.
2. The Hon. H. CUTHBERT : To move, That the Payment of Members Bill be now read a second time.
3. The Hon. F. T. SARGOOD : To move, That the subject of altering and amending the constitution of this House, and the conducting the election of Members thereof, be referred to a Select Committee of ten Members, and that the Committee have power to sit during the adjournment of the House, and to call for witnesses and papers.

Contingent on the foregoing motion being carried—

4. The Hon. F. T. SARGOOD : To move, That the Committee be chosen by ballot.
5. The Hon. J. P. BEAR : To move, That copies of the forms of agreement signed, or proposed to be signed, in connection with the purchase of land in the neighborhood of Oakleigh for the extension of the Gippsland Railway be laid upon the Table of this House.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 20TH MARCH, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The debate on the motion of the Honorable Sir C. Sladen —“That an Address be presented to His Excellency Sir G. F. Bowen, submitting the views of the Legislative Council on the Memorandum of the Chief Secretary, addressed to His Excellency, on the subject of making payments legal on the votes of the Legislative Assembly, and for making payments under the 45th section of the Constitution Act, and requesting His Excellency to forward a copy of such Address to Her Majesty’s Secretary of State for the Colonies”—was resumed.

Question—put and passed.

The Honorable Sir C. Sladen, in accordance with notice, moved, That a Committee be appointed to prepare the Address, consisting of seven Members.

Question—put and passed.

The Honorable Sir C. Sladen moved, That the Committee consist of the following Members :—The Honorables R. S. Anderson, G. F. Belcher, J. A. Wallace, F. T. Sargood, J. Cumming, Sir S. Wilson, and the Mover.

Question—put and passed.

The Committee retired to prepare the Address.

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

Education, Public—Report on, by Commissioner (1878).

Ordered to lie on the Table.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable Sir C. Sladen brought up the Address prepared by the Committee.

The Address was read at the Table by the Clerk as hereunder set forth :—

To His Excellency Sir GEORGE FERGUSON BOWEN, 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, and Vice-Admiral of the same, &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, desire to approach Your Excellency with the assurance of our continued loyalty and devotion to Her Most Gracious Majesty, and of respect to Your Excellency as Her Majesty’s Representative.

On Saturday, the 2nd March, was made public, through the Press, a copy of the Memorandum addressed to Your Excellency by the Honorable the Chief Secretary on the 31st December last, which we had asked for, but failed to obtain, either from Your Excellency’s Advisers or from Your Excellency, and on Wednesday last (6th March) a copy of the Memorandum was laid on the Table of the Council by Your Excellency’s command.

We now take the earliest opportunity of commenting upon the proposal made in that Memorandum in fulfilment of the undertaking given in our Telegram forwarded last month to the Secretary of State.

We bear in mind that, in Your Excellency’s reply to the Address adopted by the Council on the 22nd January, Your Excellency remarked that “it is a general and reasonable rule of the public service that documents forwarded to the Imperial Government should not be published until they shall have been received and acknowledged by the Secretary of State.”

The Memorandum of the Chief Secretary, we observe, was for Your Excellency's particular information, and it states that "Ministers were anxious that Your Excellency should have the "earliest intimation of their own views with respect to the course which, in their opinion, should be "adopted, not only to alleviate the inconvenience and suffering which the total stoppage of Supplies "is certain to create, but to vindicate responsible Government, and sustain the true dignity of the "Crown in this colony."

We are made aware that Your Excellency forwarded the Memorandum under cover of a Despatch to the Secretary of State for the Colonies, although there is no request made in the document to that effect; but we respectfully submit to Your Excellency that, if Your Excellency thought it necessary to refer the document to Her Majesty's Secretary of State, there were strong reasons why Your Excellency should have insisted on the contents of it being made known to the Council; so that Your Excellency, in seeking the advice of the Imperial Authorities on the question raised in it, instead of having to send the *ex parte* view only of Your Excellency's Advisers, might have had the advantage of presenting the case accompanied by the comments of the Council, more especially when Your Excellency was requested by the Council to make the Memorandum public, *after* the Chief Secretary had made known, at a public meeting which he addressed in Geelong, the purport of it.

We would remind Your Excellency that Your Excellency has not favored us with a copy of Your Excellency's Despatch covering the Memorandum, although the "general and reasonable rule of the public service" would not be violated if Your Excellency were to do so, any more than, we submit, it would have been had Your Excellency been advised to present to the Council in the first instance a copy of the Memorandum to which the attention of the public is now directed, and which is of such deep and momentous concern to all colonists interested in the stability of our institutions and in the carrying on of the Executive and Legislative departments of this colony in conformity with the Constitution.

The Memorandum states as follows:—"In conclusion, the point on which Ministers request "a decision is briefly this:—If, when both Houses of Parliament meet after the Christmas recess, "the Legislative Council should again refuse to pass a general Appropriation Bill, or a special Bill "granting Supplies for the remainder of the financial year, Ministers submit that Your Excellency "will be justified, on receiving an Address from the Legislative Assembly praying you so to do, "to revert to the practice in force here up to 1862, and to sign on the advice and responsibility of "Ministers (including the Colonial Law Officers of the Crown) the warrants required by law for "the issuing from the Treasury the public money voted and appropriated by the Assembly for the "maintenance of the public service, and also for the forts and other defence works recommended by "Sir William Jervois."

The question raised in this passage, the only one indeed in the Memorandum that seems to require notice, affects not only the construction, heretofore recognized and acted upon, of the Constitution Act, but indirectly the existence of the Council as a branch of the Legislature.

Under the auspicious reign of our Most Gracious Sovereign we had confidently expected that Your Excellency would make it your first care to see that justice is done to all, so far as it is in your power to influence or exercise it, and we feel assured that it is the desire of Her Majesty, that the gentleman intrusted by Her Majesty with the important duty of presiding over any portion of Her Majesty's dominions, in the exalted position which Your Excellency now occupies, should always act in that manner.

Your Excellency must permit us to say that the refusal on Your Excellency's part, on the advice of Ministers, to furnish the Council with a copy of the Memorandum, when Your Excellency thought fit to refer it to the Secretary of State, and in relation to which we have the authority of the Chief Secretary for stating Your Excellency expected to receive a reply by cable, in order "that" (as the Chief Secretary told the meeting at Geelong) "at the very earliest date he" (*i.e.*, Your Excellency) "might have a warrant placed before him, and be advised by his Ministers to sign it," was to deny to us, as one of the branches of the Legislature, that justice and consideration which we expected, and which we thought we had a right to expect: And we are bound to add that your sending to the Imperial Authorities an *ex parte* view of the provisions of the Constitution Act (the effect of which, if it should unfortunately be attempted to carry it out, would be to place the whole Constitution upon an entirely new basis), and to prohibit all comment on the part of the Council and the public, whom the Memorandum was intended so materially to affect, is scarcely consistent with "that neutrality which belongs to the Crown that" Your Excellency "represents."

We desire to invite Your Excellency's attention to a statement contained in the Memorandum "that Your Excellency will be justified, on receiving an Address from the Legislative Assembly "praying you so to do, to sign the warrants required by law for the issuing from the Treasury the "public money voted and appropriated by the Assembly."

Without commenting upon or criticising the inaccurate remark that one House can "appropriate" the Supplies, the illegality of the advice or suggestion offered to Your Excellency is apparent from a decision of the Supreme Court on the 24th December 1867. Upon an occasion when one of Your Excellency's predecessors resorted to the practice of signing warrants without any previous legislative authority, the matter came under the consideration of that Court, and the practice was condemned as illegal. In pronouncing that decision the judges stated—"It is only "necessary to go a step further and examine the certificate which the Commissioners are bound to "give, and without which the warrant to the Treasurer cannot lawfully be made. It runs thus: "We certify that the sums above mentioned are now legally available for and applicable to the "services and purposes respectively above set forth;" but to render any part of the Consolidated "Revenue legally available for and applicable to the payment of the amount of this judgment, "Parliament must have voted and actually appropriated the money for the purpose; and this must "have been effected either by a general or a special Appropriation Act, or the moneys comprised in "what is known as a Supply Bill must have been applied to the particular purpose during the "operation of that measure."

In support of the course above recommended, an opinion is quoted of Mr. Fellows (now Mr. Justice Fellows), given on the 11th January, 1858.

We desire to call Your Excellency's attention to a speech made by Mr. Fellows in the Legislative Council, on the 3rd October, 1865 (appended hereto), in which he states very distinctly that that opinion was given under a misapprehension of the practice there alluded to, and referred to the provisions of the Audit Act 1857, which, in the amended Act, 1859, were altered, so as to make his opinion no longer applicable; and, therefore, we respectfully submit it was not fair to that gentleman to put forward his opinion as now applicable. At the same time, it cannot be supposed that Your Excellency was aware of the circumstances, although the Attorney-General, who endorses that opinion, ought to have been.

We now desire to call Your Excellency's attention to another proposal of Your Excellency's Advisers to defray certain expenses under the 45th section of the Constitution Act.

On the 6th March the Chief Secretary moved in the Legislative Assembly—

1. That in accordance with the 45th section of the Constitution Act, the costs, charges, and expenses incident to the collection, management, and receipt of the Consolidated Revenue shall, during the present financial year, and no longer, be treated as a special appropriation.
2. That the Treasury shall ascertain the amount of the said costs, charges, and expenses from the 1st July, 1877, to the 28th February, 1878, and that the said amount so ascertained shall be transferred in aid of the Ways and Means Acts 1877-8.

Your Excellency's Advisers contend that this section contains a special appropriation for the objects therein mentioned, and the only way of giving effect to it viewed in that light would be to deduct the expense of collection and pay only the balance into the Public Account.

The above section, although it creates a permanent charge, provides no machinery for carrying it out.

The next section, the 46th, deals with the Civil List, and provides that "There shall be payable in every year to Her Majesty, her heirs and successors, out of the Consolidated Revenue of Victoria the several sums not exceeding in the whole £112,750 for defraying the expense of the several services and purposes named in the several parts of Schedule D," and further provides that the said sums shall be issued by the Treasurer of Victoria in discharge of such warrants as shall be from time to time directed to him under the hand of the Governor.

We submit to Your Excellency that these two sections point to a distinction between a "charge" and a "special appropriation." In the first instance a "charge" only is made, but no "appropriation;" in the second a charge is made which is a "special appropriation," the specific objects of which are precisely laid down, as also the mode of paying them and subsequently accounting for the moneys so paid.

In the first session after the Constitution Act was proclaimed in this colony, the Audit Act (No. 24) was passed, providing for the collection, receipt, and payment of the Consolidated Revenue, which Act was amended in 1859 by Act No. 86, being the Audit Act now in force.

By section 11 of that Act every collector of imposts, or other person in the public service to whom any money shall be legally payable for or on account of the Consolidated Revenue, must pay all money which shall come to his possession or control for or on account of the Consolidated Revenue to the Receiver of Revenue. By section 15 every receiver must pay "all moneys" which shall have come to his possession or control into a bank to "the Public Account."

Your Excellency will therefore perceive that up to this point there is no room for legally deducting the cost of collection. "All money" must reach the State coffers and be placed to the "Public Account." By section 24, "all moneys paid to the Public Account shall be drawn from the said account in the following manner *only*;"—that is to say, the Treasurer is to calculate what he wants, classifying and arranging it under the divisions and subdivisions "employed in the appropriation thereof," and then the Commissioners are to certify.

Without an Appropriation Act, or a vote applied by a Ways and Means Act, commonly called here a "Supply Bill," the Treasurer cannot make the classification or arrangement in the required divisions and subdivisions, and the Commissioners of Audit would not be able to certify that the moneys required are legally available.

We submit that the mode of dealing with the Consolidated Revenue as provided by the Audit Act, and of appropriating it to specific purposes, as has been heretofore done by annual Appropriation Acts in conformity with the 55th section of the Constitution Act, is perfectly consistent with maintaining the permanent charge created by the 45th section for the objects therein mentioned—that charge being satisfied by the appropriations of the Consolidated Revenue in detail for the objects of the 45th section, and by their being paid next after the Civil List and certain pensions before mentioned.

The Audit Act therefore must be looked upon as ancillary to, and not inconsistent with, the 45th section.

In reference to the second of the Chief Secretary's resolutions above quoted, we submit that whatever view may be taken of the 45th section, the transfer of the moneys alluded to in that resolution cannot legally be made under the 24th and 25th sections of the Audit Act. But we observe, with deep regret, in the public press, that Your Excellency, acting under the advice of Ministers, has signed warrants for issuing money out of the Treasury.

We avail ourselves of the present opportunity to assure Your Excellency that we are ready and anxious, as we always have been, to pass the annual Appropriation Bill whenever it shall be placed before us without the inclusion in it of the item for reimbursing Members of Parliament, which as involving a question of public policy, and concerning which the Council, as well as the Assembly, have the right to a deliberate voice, we consider an infringement of our legislative privileges; and we desire to inform Your Excellency that the Appropriation Bill, which we laid aside in December last, was irrevocably disposed of so far as the Council is concerned.

We respectfully request that a copy of this Address may be forwarded to Her Majesty's Secretary of State for the Colonies.

APPENDIX.

“ Mr. Fellows desired to make a few observations in reference to the opinion the honorable member who had just sat down had alluded to on more than one occasion. He was stated to have given his opinion, and he did not shrink from admitting that that was the case, that moneys were ‘legally available,’ within the meaning of the Audit Act, so soon as the votes had been reported and agreed to in the Legislative Assembly. Whatever value was attached to that opinion at the time, the Audit Commissioners since it had come under their manipulation had shown that it was based upon an erroneous principle—that the assumed analogy upon which it was founded had, in reality, no existence. The Commissioners pointed out clearly in their first report that the opinion was erroneous, inasmuch as it assumed that the practice in England was to issue moneys upon the vote of the House of Commons. In one sense that was the case; but this issue was made only by means of an Act passed by both Houses, and assented to by Her Majesty, and providing expressly that any votes of the House of Commons might be paid out of the moneys standing to the credit of the Consolidated Fund. In this case the position of the House of Commons differed very little from that of the Governor-in-Council in certain cases. The immigration vote, for instance, was to be expended by the Governor-in-Council, and the Governor-in-Council was, in one sense, the authority for the expenditure of the money; but, in point of fact, the Governor-in-Council in the one case, and the House of Commons in the other, were nothing more than instruments. When he gave the opinion which had been quoted, he did not know that the English practice was as the Audit Commissioners described it, and therefore the opinion he gave was erroneous. He had no hesitation in making this admission, for it was absurd for a man who was convinced of his error to proceed in it. He desired also to point out the tendency of legislation in the matter. The first of the two Audit Acts—both of which were drawn by himself, under instructions from the Treasurer of the day, and which, in extenuation of any shortcomings, he might state, were the first measures of their class prepared here—contained the two clauses, Nos. 17 and 18, on which his opinion was given. Reference was made there to the warrant the Treasurer was to issue. These warrants, it was provided, were to state the amounts required for the next month, arranged in divisions and subdivisions in the form of the Estimates. This adoption of the Estimates as something to be recognised was erroneous, and it led him to the conclusion that moneys were ‘legally available,’ and could be disbursed on the votes of the Assembly. In consequence of the difficulties which speedily manifested themselves under the arrangement, he was directed to prepare two new Standing Orders for the Assembly, which were adopted by that House on the 4th November, 1858. These were—

“ ‘288. In framing the annual Estimates of Expenditure the several divisions thereof shall be expressly stated therein; and when they shall have passed through the Committee of Supply, and the resolutions of such Committee shall have been reported to and adopted by the House, the several votes so reported and adopted shall be printed, in the same manner and under the same divisions, subdivisions, and items of subdivisions that shall have been employed in framing the said Estimates.’

“ ‘289. In order that the Treasurer’s yearly statement of expenditure may correspond item for item with the Appropriation Act, the several votes so printed shall be appended to such Act in the form of a Schedule, in lieu of the details hitherto inserted in the body of such Act.’

“ The first two or three Appropriation Acts, as many honorable members would remember, contained a statement of the votes of the Assembly, but did not tally item by item with the Estimates; but the practice was now adopted of including the Estimates as a Schedule of the Appropriation Act. After this, in 1859, the second Audit Act was passed, and here the words made use of were, that the warrants for the issue of moneys should be arranged so that they should correspond with the subdivisions, &c., ‘employed in the appropriation thereof.’ This marked distinction in the language of the two Acts showed that, though at the outset the Houses and the Audit Commissioners scarcely knew their proper position in these money matters, yet that, as they progressed, as they discovered the inconveniences which followed their non-attention to the practice of the Imperial Parliament, they mended their hands. The ‘Estimates’ were recognised in the first Audit Act, and the ‘appropriation’ in the second. If, after this explanation, value were still attached to the unfortunate opinion he had given seven years ago, he could only regret the circumstance.”

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

Debate ensued.

The Honorable H. Cuthbert moved, That the debate be adjourned until Tuesday next.

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

The Council adjourned at nine o’clock until half-past four o’clock on Thursday, the 21st instant.

NOTICES OF MOTION AND ORDER OF THE DAY.

THURSDAY, 21ST MARCH, 1878.

1. The Hon. J. BALFOUR : To call the attention of the Honorable the Postmaster-General to the statements made in the press that the Honorable the Premier would not deal with the Tolls Bill, which was originated in the Assembly and assented to by this House with only the necessary technical alterations, until the present crisis was over; and to ask if such statements are in accordance with fact.

NOTICES OF MOTION:—

1. The Hon. H. CUTHBERT : To move, That the Payment of Members Bill be now read a second time.
2. The Hon. F. T. SARGOOD : To move, That the subject of altering and amending the constitution of this House, and the conducting the election of Members thereof, be referred to a Select Committee of ten Members, and that the Committee have power to sit during the adjournment of the House, and to call for witnesses and papers.
Contingent on the foregoing motion being carried—
3. The Hon. F. T. SARGOOD : To move, That the Committee be chosen by ballot.
4. The Hon. J. P. BEAR : To move, That copies of the forms of agreement signed, or proposed to be signed, in connection with the purchase of land in the neighborhood of Oakleigh for the extension of the Gippsland Railway be laid upon the Table of this House.

TUESDAY, 26TH MARCH, 1878.

ORDER OF THE DAY :—

1. ADDRESS TO HIS EXCELLENCY THE GOVERNOR—Adjourned debate on motion for adoption of.

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

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THURSDAY, 21ST MARCH, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAYMENT OF MEMBERS BILL.—The Honorable H. Cuthbert, in accordance with notice, moved, That the Payment of Members Bill be now read a second time.

Debate ensued.

The Honorable Dr. Dobson moved, That the debate be adjourned until Wednesday next.

Debate ensued.

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

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

Question—put and passed.

The Council adjourned at six o'clock until half-past four o'clock on Wednesday, the 27th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 27TH MARCH, 1878.

1. The Hon. J. BALFOUR : To call the attention of the Honorable the Postmaster-General to the statements made in the press that the Honorable the Premier would not deal with the Tolls Bill, which was originated in the Assembly and assented to by this House with only the necessary technical alterations, until the present crisis was over ; and to ask if such statements are in accordance with fact.

NOTICES OF MOTION :—

1. The Hon. F. T. SARGOOD : To move, That the subject of altering and amending the constitution of this House, and the conducting the election of Members thereof, be referred to a Select Committee of ten Members, and that the Committee have power to sit during the adjournment of the House, and to call for witnesses and papers.

Contingent on the foregoing motion being carried—

2. The Hon. F. T. SARGOOD : To move, That the Committee be chosen by ballot.
3. The Hon. J. P. BEAR : To move, That copies of the forms of agreement signed, or proposed to be signed, in connection with the purchase of land in the neighborhood of Oakleigh for the extension of the Gippsland Railway be laid upon the Table of this House.

ORDERS OF THE DAY :—

1. **PAYMENT OF MEMBERS BILL**—Adjourned debate on motion for second reading.
2. **ADDRESS TO HIS EXCELLENCY THE GOVERNOR**—Adjourned debate on motion for adoption of.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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WEDNESDAY, 27TH MARCH, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable Sir C. Sladen presented a Petition signed by J. Liston and others, styling themselves residents at Smythesdale and Scarsdale, and praying that the Council will maintain its position with regard to Payment of Members of Parliament.

Petition received.

AGREEMENTS FOR PURCHASE OF LAND NEAR OAKLEIGH FOR RAILWAY PURPOSES.—The Honorable J. P. Bear, in accordance with notice, moved, That copies of the forms of agreement signed, or proposed to be signed, in connection with the purchase of land in the neighborhood of Oakleigh for the extension of the Gippsland Railway be laid upon the Table of this House.

Question—put and passed.

PAYMENT OF MEMBERS BILL.—The Order of the Day for the resumption of the adjourned debate on the motion for 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 H. Cuthbert moved, That the Bill be now considered in Committee of the whole Council.

Debate ensued.

The Honorable Sir C. Sladen moved, That the word "now" be omitted from the question with a view to add the words "on Tuesday next" after the word "Council."

Debate ensued.

Amendment by leave withdrawn.

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.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 2nd proximo :—

"Address to His Excellency the Governor"—Adjourned debate on motion for adoption of.

The Council adjourned at half-past six o'clock until half-past four o'clock on Thursday, the 28th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 28TH MARCH, 1878.

1. The Hon. J. BALFOUR : To call the attention of the Honorable the Postmaster-General to the statements made in the press that the Honorable the Premier would not deal with the Tolls Bill, which was originated in the Assembly and assented to by this House with only the necessary technical alterations, until the present crisis was over ; and to ask if such statements are in accordance with fact.

NOTICES OF MOTION :—

1. The Hon. F. T. SARGOOD : To move, That the subject of altering and amending the constitution of this House, and the conducting the election of Members thereof, be referred to a Select Committee of ten Members, and that the Committee have power to sit during the adjournment of the House, and to call for witnesses and papers.

Contingent on the foregoing motion being carried—

2. The Hon. F. T. SARGOOD : To move, That the Committee be chosen by ballot.

ORDERS OF THE DAY :—

1. PAYMENT OF MEMBERS BILL—To be further considered in Committee.

TUESDAY, 2ND APRIL.

1. ADDRESS TO HIS EXCELLENCY THE GOVERNOR—Adjourned debate on motion for adoption of.

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

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THURSDAY, 28TH MARCH, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Despatch from the Right Honorable the Earl of Carnarvon, No. 13 (28th January, 1878).
2. Despatch from the Right Honorable the Earl of Carnarvon, No. 12 (28th January, 1878).
3. Despatch from the Right Honorable Sir Michael Hicks Beach, No. 10 (15th February, 1878) (with enclosure).
4. Despatch from the Right Honorable Sir Michael Hicks Beach, No. 7 (15th February, 1878).

Ordered severally to lie on the Table.

PAYMENT OF MEMBERS 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 without amendment.

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

Debate ensued.

Question—put and passed.

CONFERENCE COMMITTEE—MOTION FOR.—The Honorable Sir C. Sladen, with leave of the Council, moved, without notice, That the Legislative Council appoint a Committee of six Members to confer with a Committee of the like number of Members of the Legislative Assembly on the Payment of Members Bill.

Debate ensued.

Question—put.

Council divided.

Contents, 7.

The Hon. J. Graham
Sir C. Sladen
W. Campbell
G. F. Belcher
J. P. Bear
N. Fitzgerald
R. Simson (*Teller*).

Not Contents, 13.

The Hon. G. W. Cole
R. S. Anderson
C. J. Jenner
W. Wilson
T. F. Hamilton
T. Bromell
F. T. Sargood
J. Cumming
J. Buchanan
J. A. Wallace
Dr. Dobson
A. Fraser
H. Cuthbert (*Teller*).

The question was therefore negatived.

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

The Honorable H. Cuthbert moved, That the title of the Bill be "*An Act for the continuation of an Expiring Law.*"

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.

DESPATCHES FROM SECRETARY OF STATE.—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the Despatches from the Right Honorable the Secretary of State, laid upon the Table this day, be printed.

Question—put and passed.

The Council adjourned at twenty minutes to nine o'clock until half-past four o'clock on Tuesday, the 2nd proximo.

NOTICES OF MOTION AND ORDER OF THE DAY.

TUESDAY, 2ND APRIL, 1878.

1. The Hon. J. BALFOUR : To call the attention of the Honorable the Postmaster-General to the statements made in the press that the Honorable the Premier would not deal with the Tolls Bill, which was originated in the Assembly and assented to by this House with only the necessary technical alterations, until the present crisis was over ; and to ask if such statements are in accordance with fact.

NOTICES OF MOTION :—

1. The Hon. F. T. SARGOOD : To move, That the subject of altering and amending the constitution of this House, and the conducting the election of Members thereof, be referred to a Select Committee of ten Members, and that the Committee have power to sit during the adjournment of the House, and to call for witnesses and papers.

Contingent on the foregoing motion being carried—

2. The Hon. F. T. SARGOOD : To move, That the Committee be chosen by ballot.

ORDER OF THE DAY :—

1. ADDRESS TO HIS EXCELLENCY THE GOVERNOR—Adjourned debate on motion for adoption of.

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

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OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 2ND APRIL, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable H. Cuthbert, by command of His Excellency the Governor, laid upon the Table the following Papers :—

1. Indian Famine Relief Fund.—Despatch from the Right Honorable the Secretary of State (with enclosure). No. 10. (15th February, 1878.)
2. New Hebrides Islands—Suggested Protectorate of.—Despatch from the Right Honorable the Secretary of State for the Colonies. No. 7. (18th January, 1878.)
3. New Government House at Melbourne—Despatches concerning (4th October, 1876 to 10th March, 1878).
4. Press Telegrams.—Order in Council (20th March, 1878).

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 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 seventy-eight, and to appropriate the supplies granted in this session of Parliament,*" with which they desire the concurrence of the Legislative Council.

C. GAVAN DUFFY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 2nd April, 1878.

APPROPRIATION 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 Wednesday, 3rd instant.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the resumption of the adjourned debate on the Address to His Excellency the Governor, prepared by a Select Committee of the Council on the 20th ultimo, being read, the debate was resumed on the Address as hereunder set forth :—

To His Excellency Sir GEORGE FERGUSON BOWEN, 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, and Vice-Admiral of the same, &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, desire to approach Your Excellency with the assurance of our continued loyalty and devotion to Her Most Gracious Majesty, and of respect to Your Excellency as Her Majesty's Representative.

On Saturday, the 2nd March, was made public, through the Press, a copy of the Memorandum addressed to Your Excellency by the Honorable the Chief Secretary on the 31st December last, which we had asked for, but failed to obtain, either from Your Excellency's Advisers or from Your Excellency, and on Wednesday last (6th March) a copy of the Memorandum was laid on the Table of the Council by Your Excellency's command.

We now take the earliest opportunity of commenting upon the proposal made in that Memorandum in fulfilment of the undertaking given in our Telegram forwarded last month to the Secretary of State.

We bear in mind that, in Your Excellency's reply to the Address adopted by the Council on the 22nd January, Your Excellency remarked that "it is a general and reasonable rule of the public service that documents forwarded to the Imperial Government should not be published until they shall have been received and acknowledged by the Secretary of State."

The Memorandum of the Chief Secretary, we observe, was for Your Excellency's particular information, and it states that "Ministers were anxious that Your Excellency should have the "earliest intimation of their own views with respect to the course which, in their opinion, should be "adopted, not only to alleviate the inconvenience and suffering which the total stoppage of Supplies "is certain to create, but to vindicate responsible Government, and sustain the true dignity of the "Crown in this colony."

We are made aware that Your Excellency forwarded the Memorandum under cover of a Despatch to the Secretary of State for the Colonies, although there is no request made in the document to that effect; but we respectfully submit to Your Excellency that, if Your Excellency thought it necessary to refer the document to Her Majesty's Secretary of State, there were strong reasons why Your Excellency should have insisted on the contents of it being made known to the Council; so that Your Excellency, in seeking the advice of the Imperial Authorities on the question raised in it, instead of having to send the *ex parte* view only of Your Excellency's Advisers, might have had the advantage of presenting the case accompanied by the comments of the Council, more especially when Your Excellency was requested by the Council to make the Memorandum public, *after* the Chief Secretary had made known, at a public meeting which he addressed in Geelong, the purport of it.

We would remind Your Excellency that Your Excellency has not favored us with a copy of Your Excellency's Despatch covering the Memorandum, although the "general and reasonable rule of the public service" would not be violated if Your Excellency were to do so, any more than, we submit, it would have been had Your Excellency been advised to present to the Council in the first instance a copy of the Memorandum to which the attention of the public is now directed, and which is of such deep and momentous concern to all colonists interested in the stability of our institutions and in the carrying on of the Executive and Legislative departments of this colony in conformity with the Constitution.

The Memorandum states as follows:—"In conclusion, the point on which Ministers request "a decision is briefly this:—If, when both Houses of Parliament meet after the Christmas recess, "the Legislative Council should again refuse to pass a general Appropriation Bill, or a special Bill "granting Supplies for the remainder of the financial year, Ministers submit that Your Excellency "will be justified, on receiving an Address from the Legislative Assembly praying you so to do, "to revert to the practice in force here up to 1862, and to sign on the advice and responsibility of "Ministers (including the Colonial Law Officers of the Crown) the warrants required by law for "the issuing from the Treasury the public money voted and appropriated by the Assembly for the "maintenance of the public service, and also for the forts and other defence works recommended by "Sir William Jervois."

The question raised in this passage, the only one indeed in the Memorandum that seems to require notice, affects not only the construction, heretofore recognized and acted upon, of the Constitution Act, but indirectly the existence of the Council as a branch of the Legislature.

Under the auspicious reign of our Most Gracious Sovereign we had confidently expected that Your Excellency would make it your first care to see that justice is done to all, so far as it is in your power to influence or exercise it, and we feel assured that it is the desire of Her Majesty, that the gentleman intrusted by Her Majesty with the important duty of presiding over any portion of Her Majesty's dominions, in the exalted position which Your Excellency now occupies, should always act in that manner.

Your Excellency must permit us to say that the refusal on Your Excellency's part, on the advice of Ministers, to furnish the Council with a copy of the Memorandum, when Your Excellency thought fit to refer it to the Secretary of State, and in relation to which we have the authority of the Chief Secretary for stating Your Excellency expected to receive a reply by cable, in order "that" (as the Chief Secretary told the meeting at Geelong) "at the very earliest date he" (*i.e.*, Your Excellency) "might have a warrant placed before him, and be advised by his Ministers to sign it," was to deny to us, as one of the branches of the Legislature, that justice and consideration which we expected, and which we thought we had a right to expect; and we are bound to add that your sending to the Imperial Authorities an *ex parte* view of the provisions of the Constitution Act (the effect of which, if it should unfortunately be attempted to carry it out, would be to place the whole Constitution upon an entirely new basis), and to prohibit all comment on the part of the Council and the public, whom the Memorandum was intended so materially to affect, is scarcely consistent with "that neutrality which belongs to the Crown that" Your Excellency "represents."

We desire to invite Your Excellency's attention to a statement contained in the Memorandum "that Your Excellency will be justified, on receiving an Address from the Legislative Assembly "praying you so to do, to sign the warrants required by law for the issuing from the Treasury the "public money voted and appropriated by the Assembly."

Without commenting upon or criticising the inaccurate remark that one House can "appropriate" the Supplies, the illegality of the advice or suggestion offered to Your Excellency is apparent from a decision of the Supreme Court on the 24th December 1867. Upon an occasion when one of Your Excellency's predecessors resorted to the practice of signing warrants without any previous legislative authority, the matter came under the consideration of that Court, and the practice was condemned as illegal. In pronouncing that decision the judges stated—"It is only "necessary to go a step further and examine the certificate which the Commissioners are bound to "give, and without which the warrant to the Treasurer cannot lawfully be made. It runs thus: "We certify that the sums above mentioned are now legally available for and applicable to the "services and purposes respectively above set forth; but to render any part of the Consolidated "Revenue legally available for and applicable to the payment of the amount of this judgment, "Parliament must have voted and actually appropriated the money for the purpose; and this must "have been effected either by a general or a special Appropriation Act, or the moneys comprised in "what is known as a Supply Bill must have been applied to the particular purpose during the "operation of that measure."

In support of the course above recommended, an opinion is quoted of Mr. Fellows (now Mr. Justice Fellows), given on the 11th January, 1858.

We desire to call Your Excellency's attention to a speech made by Mr. Fellows in the Legislative Council, on the 3rd October, 1865 (appended hereto), in which he states very distinctly that that opinion was given under a misapprehension of the practice there alluded to, and referred to the provisions of the Audit Act 1857, which, in the amended Act, 1859, were altered, so as to make his opinion no longer applicable; and, therefore, we respectfully submit it was not fair to that gentleman to put forward his opinion as now applicable. At the same time, it cannot be supposed that Your Excellency was aware of the circumstances, although the Attorney-General, who endorses that opinion, ought to have been.

We now desire to call Your Excellency's attention to another proposal of Your Excellency's Advisers to defray certain expenses under the 45th section of the Constitution Act.

On the 6th March the Chief Secretary moved in the Legislative Assembly—

1. That in accordance with the 45th section of the Constitution Act, the costs, charges, and expenses incident to the collection, management, and receipt of the Consolidated Revenue shall, during the present financial year, and no longer, be treated as a special appropriation.
2. That the Treasury shall ascertain the amount of the said costs, charges, and expenses from the 1st July, 1877, to the 28th February, 1878, and that the said amount so ascertained shall be transferred in aid of the Ways and Means Acts 1877-8.

Your Excellency's Advisers contend that this section contains a special appropriation for the objects therein mentioned, and the only way of giving effect to it viewed in that light would be to deduct the expense of collection and pay only the balance into the Public Account.

The above section, although it creates a permanent charge, provides no machinery for carrying it out.

The next section, the 46th, deals with the Civil List, and provides that "There shall be payable in every year to Her Majesty, her heirs and successors, out of the Consolidated Revenue of Victoria the several sums not exceeding in the whole £112,750 for defraying the expense of the several services and purposes named in the several parts of Schedule D," and further provides that the said sums shall be issued by the Treasurer of Victoria in discharge of such warrants as shall be from time to time directed to him under the hand of the Governor.

We submit to Your Excellency that these two sections point to a distinction between a "charge" and a "special appropriation." In the first instance a "charge" only is made, but no "appropriation;" in the second a charge is made which is a "special appropriation," the specific objects of which are precisely laid down, as also the mode of paying them and subsequently accounting for the moneys so paid.

In the first session after the Constitution Act was proclaimed in this colony, the Audit Act (No. 24) was passed, providing for the collection, receipt, and payment of the Consolidated Revenue, which Act was amended in 1859 by Act No. 86, being the Audit Act now in force.

By section 11 of that Act every collector of imposts, or other person in the public service to whom any money shall be legally payable for or on account of the Consolidated Revenue, must pay all money which shall come to his possession or control for or on account of the Consolidated Revenue to the Receiver of Revenue. By section 15 every receiver must pay "all moneys" which shall have come to his possession or control into a bank to "the Public Account."

Your Excellency will therefore perceive that up to this point there is no room for legally deducting the cost of collection. "All money" must reach the State coffers and be placed to the "Public Account." By section 24, "all moneys paid to the Public Account shall be drawn from the said account in the following manner *only*;"—that is to say, the Treasurer is to calculate what he wants, classifying and arranging it under the divisions and subdivisions "employed in the appropriation thereof," and then the Commissioners are to certify.

Without an Appropriation Act, or a vote applied by a Ways and Means Act, commonly called here a "Supply Bill," the Treasurer cannot make the classification or arrangement in the required divisions and subdivisions, and the Commissioners of Audit would not be able to certify that the moneys required are legally available.

We submit that the mode of dealing with the Consolidated Revenue as provided by the Audit Act, and of appropriating it to specific purposes, as has been heretofore done by annual Appropriation Acts in conformity with the 55th section of the Constitution Act, is perfectly consistent with maintaining the permanent charge created by the 45th section for the objects therein mentioned—that charge being satisfied by the appropriations of the Consolidated Revenue in detail for the objects of the 45th section, and by their being paid next after the Civil List and certain pensions before mentioned.

The Audit Act therefore must be looked upon as ancillary to, and not inconsistent with, the 45th section.

In reference to the second of the Chief Secretary's resolutions above quoted, we submit that whatever view may be taken of the 45th section, the transfer of the moneys alluded to in that resolution cannot legally be made under the 24th and 25th sections of the Audit Act. But we observe, with deep regret, in the public press, that Your Excellency, acting under the advice of Ministers, has signed warrants for issuing money out of the Treasury.

We avail ourselves of the present opportunity to assure Your Excellency that we are ready and anxious, as we always have been, to pass the annual Appropriation Bill whenever it shall be placed before us without the inclusion in it of the item for reimbursing Members of Parliament, which as involving a question of public policy, and concerning which the Council, as well as the Assembly, have the right to a deliberate voice, we consider an infringement of our legislative privileges; and we desire to inform Your Excellency that the Appropriation Bill, which we laid aside in December last, was irrevocably disposed of so far as the Council is concerned.

We respectfully request that a copy of this Address may be forwarded to Her Majesty's Secretary of State for the Colonies.

APPENDIX.

“ Mr. Fellows desired to make a few observations in reference to the opinion the honorable member who had just sat down had alluded to on more than one occasion. He was stated to have given his opinion, and he did not shrink from admitting that that was the case, that moneys were ‘legally available,’ within the meaning of the Audit Act, so soon as the votes had been reported and agreed to in the Legislative Assembly. Whatever value was attached to that opinion at the time, the Audit Commissioners since it had come under their manipulation had shown that it was based upon an erroneous principle—that the assumed analogy upon which it was founded had, in reality, no existence. The Commissioners pointed out clearly in their first report that the opinion was erroneous, inasmuch as it assumed that the practice in England was to issue moneys upon the vote of the House of Commons. In one sense that was the case; but this issue was made only by means of an Act passed by both Houses, and assented to by Her Majesty, and providing expressly that any votes of the House of Commons might be paid out of the moneys standing to the credit of the Consolidated Fund. In this case the position of the House of Commons differed very little from that of the Governor-in-Council in certain cases. The immigration vote, for instance, was to be expended by the Governor-in-Council, and the Governor-in-Council was, in one sense, the authority for the expenditure of the money; but, in point of fact, the Governor-in-Council in the one case, and the House of Commons in the other, were nothing more than instruments. When he gave the opinion which had been quoted, he did not know that the English practice was as the Audit Commissioners described it, and therefore the opinion he gave was erroneous. He had no hesitation in making this admission, for it was absurd for a man who was convinced of his error to proceed in it. He desired also to point out the tendency of legislation in the matter. The first of the two Audit Acts—both of which were drawn by himself, under instructions from the Treasurer of the day, and which, in extenuation of any shortcomings, he might state, were the first measures of their class prepared here—contained the two clauses, Nos. 17 and 18, on which his opinion was given. Reference was made there to the warrant the Treasurer was to issue. These warrants, it was provided, were to state the amounts required for the next month, arranged in divisions and subdivisions in the form of the Estimates. This adoption of the Estimates as something to be recognised was erroneous, and it led him to the conclusion that moneys were ‘legally available,’ and could be disbursed on the votes of the Assembly. In consequence of the difficulties which speedily manifested themselves under the arrangement, he was directed to prepare two new Standing Orders for the Assembly, which were adopted by that House on the 4th November, 1858. These were—

“ ‘288. In framing the annual Estimates of Expenditure the several divisions thereof shall be expressly stated therein; and when they shall have passed through the Committee of Supply, and the resolutions of such Committee shall have been reported to and adopted by the House, the several votes so reported and adopted shall be printed, in the same manner and under the same divisions, subdivisions, and items of subdivisions that shall have been employed in framing the said Estimates.’

“ ‘289. In order that the Treasurer’s yearly statement of expenditure may correspond item for item with the Appropriation Act, the several votes so printed shall be appended to such Act in the form of a Schedule, in lieu of the details hitherto inserted in the body of such Act.’

“ The first two or three Appropriation Acts, as many honorable members would remember, contained a statement of the votes of the Assembly, but did not tally item by item with the Estimates; but the practice was now adopted of including the Estimates as a Schedule of the Appropriation Act. After this, in 1859, the second Audit Act was passed, and here the words made use of were, that the warrants for the issue of moneys should be arranged so that they should correspond with the subdivisions, &c., ‘employed in the appropriation thereof.’ This marked distinction in the language of the two Acts showed that, though at the outset the Houses and the Audit Commissioners scarcely knew their proper position in these money matters, yet that, as they progressed, as they discovered the inconveniences which followed their non-attention to the practice of the Imperial Parliament, they mended their hands. The ‘Estimates’ were recognised in the first Audit Act, and the ‘appropriation’ in the second. If, after this explanation, value were still attached to the unfortunate opinion he had given seven years ago, he could only regret the circumstance.”

The Honorable H. Cuthbert moved, That the sixth and seventh clauses of the Address be omitted, viz. :—

“ We are made aware that Your Excellency forwarded the Memorandum under cover of a Despatch to the Secretary of State for the Colonies, although there is no request made in the document to that effect; but we respectfully submit to Your Excellency that, if Your Excellency thought it necessary to refer the document to Her Majesty’s Secretary of State, there were strong reasons why Your Excellency should have insisted on the contents of it being made known to the Council; so that Your Excellency, in seeking the advice of the Imperial Authorities on the question raised in it, instead of having to send the *ex parte* view only of Your Excellency’s Advisers, might have had the advantage of presenting the case accompanied by the comments of the Council, more especially when Your Excellency was requested by the Council to make the Memorandum public, after the Chief Secretary had made known, at a public meeting which he addressed in Geelong, the purport of it.

“ We would remind Your Excellency that Your Excellency has not favored us with a copy of Your Excellency’s Despatch covering the Memorandum, although the ‘general and reasonable rule of the public service’ would not be violated if Your Excellency were to do so, any more than, we submit, it would have been had Your Excellency been advised to present to the Council in the first instance a copy of the Memorandum to which the attention of the public is now directed, and which is of such deep and momentous concern to all colonists interested in the stability of our institutions and in the carrying on of the Executive and Legislative departments of this colony in conformity with the Constitution.”

Debate ensued.

Question—That the sixth and seventh clauses, proposed to be omitted, stand part of the Address—put. Council divided.

Contents, 16.

The Hon. W. Campbell
 Sir C. Sladen
 N. Black
 J. Graham
 W. Wilson
 J. Balfour
 R. Simson
 J. Cumming
 W. Highett
 F. T. Sargood
 J. P. Bear
 J. A. Wallace
 G. F. Belcher
 A. Fraser
 N. Fitzgerald
 R. S. Anderson (*Teller*).

Not Contents, 5.

The Hon. T. T. a'Beckett
 G. W. Cole
 H. Cuthbert
 J. Buchanan
 Sir S. Wilson (*Teller*).

The question was therefore carried.

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

The Honorable Sir C. Sladen moved, That the President ascertain when and how His Excellency will be pleased to receive the Address.

Question—put and passed.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced 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 Validate a Rate, and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
 Melbourne, 2nd April, 1878.

C. GAVAN DUFFY,
 Speaker.

BEECHWORTH RATE VALIDATING BILL.—The Honorable R. S. Anderson, with leave of the Council, moved, That the Bill to validate a rate struck by the Council of the United Shire of Beechworth be treated as a Public Bill, and that payment of fees be dispensed with, and the Standing Orders suspended so far as necessary to permit such Bill to be passed through all its stages in one sitting.

Question—put and passed.

BEECHWORTH RATE VALIDATING BILL.—The Honorable R. S. Anderson 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 R. S. Anderson, ordered to be printed, and the second reading made an Order of the Day for Wednesday, the 3rd instant.

CONSTITUTION OF COUNCIL.—The Honorable F. T. Sargood, in accordance with notice, moved, That the subject of altering and amending the constitution of this House, and the conducting the election of Members thereof, be referred to a Select Committee of ten Members, and that the Committee have power to sit during the adjournment of the House, and to call for witnesses and papers.

Debate ensued.

Motion by leave withdrawn.

The Council adjourned at twenty minutes past six o'clock until half-past four o'clock on Wednesday, the 3rd instant.

ORDERS OF THE DAY.

WEDNESDAY, 3RD APRIL, 1878.

Government Business.

ORDER OF THE DAY :—

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

General Business.

ORDER OF THE DAY :—

1. BEECHWORTH RATE VALIDATING BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Wednesday, 3rd April.

RAILWAY BILLS CONFERENCE COMMITTEE—at ten o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 3RD APRIL, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Postal Convention between Victoria and United States of America (approved by the Governor 28th March, 1878).
2. Diseases and Deaths—Return of, 1877, by Chief Medical Officer.

Ordered severally to lie on the Table.

APPROPRIATION 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 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 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 seventy-eight, 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.

BEECHWORTH RATE VALIDATING BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. S. Anderson moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

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

The Honorable R. S. Anderson moved, That the title of the Bill be "*An Act to validate a Rate and for other purposes.*"

Question—put and passed.

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

The Council adjourned at twenty minutes past five o'clock until half-past four o'clock on Thursday, the 4th instant.

NOTICE OF MOTION.

THURSDAY, 4TH APRIL, 1878.

1. The Hon. H. CUTHBERT : To move, That the House, at its rising, adjourn until Monday, 8th instant.
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MEETING OF SELECT COMMITTEE.

Thursday, 4th April.

RAILWAY BILLS CONFERENCE COMMITTEE—at two o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 4TH APRIL, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR—REPLY TO.—The President announced to the Council that he had received from the Private Secretary to His Excellency the Governor the following Reply to the Address to His Excellency adopted by the Council on the 2nd instant :—

The Governor acknowledges the receipt of the Address of the Legislative Council of the 2nd instant, and, as requested, will forward it to the Secretary of State for the Colonies. But it has, of course, been referred, in the first instance, to the Responsible Ministry of the Colony; so that the allegations of the Council concerning the action of the Victorian Government may, in the terms of the Queen's Colonial Regulations (Art. 220) be "duly verified, as well as reported upon, " before they reach the Secretary of State."

The Governor will always pay due attention to any representations from either of the deliberative branches of the Legislature. But the Council cannot fail to be aware that the legal opinions respecting the 45th section of the Constitution Act, to which attention is drawn in this Address, are at direct variance with the opinions, not only of the Law Officers of the Crown, but also of other eminent counsel at the Victorian bar, who have been consulted on this subject.

The Governor would be glad to add no more. But, lest by silence, he should seem to sanction a proceeding hitherto (as he is assured) without precedent in Australia, he is advised that it is his duty, on public grounds, to point out the gravity of a departure, not only from Parliamentary usage, but also from that loyal respect for his office which has heretofore always distinguished both Houses of the Victorian Parliament.

The Governor regrets that, in portions of this Address, the majority of the Council should have advanced charges which can be regarded only as a personal and gratuitous attack on the Representative of the Queen, who also himself constitutes one of the three branches of the Legislature. For the Council has ignored the first principles of parliamentary government on the English model, as established in this colony, by attempting to fix on the Governor the personal responsibility of acts of purely local concern, performed by and with the advice of his constitutional Ministers. From the error into which the Council has thus fallen, it would appear that a section of that body still clings to the traditions of that primitive and obsolete form of Colonial Government which was administered without responsibility to the representatives of the people, and with little regard to the public opinion and general wishes of the community, but which was superseded in Victoria nearly a quarter of a century ago by a Constitution framed on the principles of the British Constitution.

It has ever been, and will continue to be, the desire of the Governor to treat the Legislative Council with the high consideration due to either House of Parliament. But it should be clearly understood that it is the duty of a constitutional Governor, in accordance with the instructions of the Imperial authorities, to follow the advice of his Responsible Ministers, and the well-known principles of Parliamentary government, rather than any overt or implied dictation on the part of a single branch of the legislature.

The Governor, however, will not permit this action of the Council towards himself to induce him to alter his official relations with that honorable House, or to swerve in the slightest degree from that neutrality between political parties which belongs to the Crown which he represents. In other words, he will continue to give all fair and just support to his Ministers for the time being, so long as they retain the confidence of the majority of the representatives of the people, while he will remain ready to give the same support to any other Ministers, whether members of the Council or of the Assembly, whom the course of Parliamentary proceedings may render it necessary for him, at any future time, to summon to his councils.

G. F. BOWEN.

CASE AND OPINIONS ON 45TH CLAUSE OF CONSTITUTION ACT.—The Honorable F. T. Sargood, with leave of the Council, moved, without notice, That the case submitted to counsel by the Honorable the Postmaster-General with regard to the 45th clause of the Constitution Act, and the opinions he read to the Council, together with that of Mr. Williams, to which he alluded, but did not read, be laid upon the Table of the House and be printed.

Question—put and passed.

ADJOURNMENT.—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until a quarter to twelve o'clock on Tuesday next.

Question—put and passed.

The Council adjourned at five minutes to five o'clock until a quarter to twelve o'clock on Tuesday, the 9th instant.

NOTICE OF MOTION.

TUESDAY, 9TH APRIL, 1878.

1. The Hon. F. T. SARGOOD: To move, That the Return, of all appointments made by the present Government, laid upon the Table of the House on the 22nd January last, be printed.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 9TH APRIL, 1878.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ROYAL ASSENT TO BILLS.—The President announced to the Council that he had received a communication from the Private Secretary to His Excellency the Governor, intimating His Excellency's intention to proceed to the Legislative Council Chamber this day, at twelve o'clock, to assent, in Her Majesty's name, to certain Bills passed by the Legislative Council and the Legislative Assembly.

APPOINTMENTS BY PRESENT GOVERNMENT.—The Honorable F. T. Sargood, in accordance with notice, moved, That the Return of all Appointments made by the present Government, laid on the Table of the House on the 22nd January last, be printed.

Question—put and passed.

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

ROYAL ASSENT TO BILLS.—His Excellency the Governor came into the Council Chamber, and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber; who being come with their Speaker, he 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 Bills:—

“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 seventy-eight, and to appropriate the Supplies granted in this Session of Parliament.”

“An Act for the continuation of an Expiring Law.”

“An Act to validate a Rate and for other purposes.”

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

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

“G. F. BOWEN,
“Governor.”

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

His Excellency was then pleased to speak as follows:—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I am glad to be able to release you from your legislative duties, after a protracted and memorable session. The measures which you have passed are both numerous and important, and will, I trust, add to the contentment and prosperity of the people.

Grave questions of Constitutional rights and powers have arisen, and been debated and maintained with inflexible resolution; but I rejoice to add that a settlement has been ultimately found not inconsistent with the principles of responsible government and the spirit of the Constitution.

To avoid, however, the possibility of the recurrence of such a conflict in the future, my Advisers will, with all possible despatch, prepare a measure to alter and amend the Constitution Statute.

It is satisfactory to announce that a Land Tax, so long imperatively demanded by the country, has become law, and that beneficial effects are already indicated by its operation.

The Railway Construction Bill will open up fresh tracts of country, and prove a boon to the large number of selectors who have made homes upon the soil.

The alteration of the Tariff is well calculated to increase production, and at the same time to assist commerce.

Friendly Societies in Victoria have assumed an importance which justified comprehensive legislation, and I trust the Bill passed this session will tend to the consolidation and increase of these important organizations.

I regret that *phylloxera vastatrix* has made its appearance in the vineyards of the colony, but the prompt measure of the Legislature will, I trust, stamp out this scourge in its infancy.

The war recently waged between Russia and Turkey has increased the danger of this colony by the possibility of hostilities occurring between the former Power and Great Britain. My Advisers have adopted every possible precaution with the view of placing Melbourne beyond the possibility of a successful attack from any quarter.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I thank you on behalf of Her Majesty for the liberality of your grants for carrying on the public service of the colony and for the further development of its resources.

Notwithstanding the delay which unfortunately occurred in connection with the passing of the Appropriation Bill, the public works of the colony have been uninterruptedly continued, and the administration of justice and of the several Departments of the Government has proceeded without intermission.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

During the recess, my Advisers will be enabled carefully to scrutinize the various departments of the public service with a view to retrenchment.

In being relieved from your onerous duties you must be gratified to know that, under the blessing of Divine Providence, the country has continued prosperous, notwithstanding the prolonged political struggle.

In the name of Her Majesty I declare this Parliament prorogued to Tuesday the 21st day of May next, and it is hereby prorogued accordingly.

Melbourne, 9th April 1878.

Which being concluded, a copy of the Speech was delivered to the President of the Council, and 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 1877-8.

No. 1.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 26th June, 1877.

The Hon. Thomas Turner a'Beckett	The Hon. William Highett
Robert Stirling Anderson	Frederick Thomas Sargood
Henry Cuthbert	Sir Charles Sladen.
James Balfour	

No. 2.—ADDRESS IN REPLY TO GOVERNOR'S SPEECH.

Appointed 26th June, 1877.

The Hon. Sir C. Sladen	The Hon. F. Robertson
J. Buchanan	J. Cumming
R. D. Reid	Sir S. Wilson
N. Black	H. Cuthbert (<i>Mover</i>).

No. 3.—STANDING ORDERS.

Appointed 26th June, 1877.

The Hon. The President	The Hon. Sir C. Sladen
T. T. a'Beckett	H. Cuthbert.
C. J. Jenner	

No. 4.—PRINTING.

Appointed 26th June, 1877.

The Hon. N. Black	The Hon. T. Bromell
J. Cumming	J. A. Wallace.
W. Highett	

No. 5.—LIBRARY (JOINT).

Appointed 26th June, 1877.

The Hon. The President	The Hon. F. Robertson
F. T. Sargood	J. Graham.
Dr. Dobson	

No. 6.—PARLIAMENT BUILDINGS (JOINT).

Appointed 26th June, 1877.

The Hon. The President	The Hon. C. J. Jenner
Sir C. Sladen	A. Fraser.
T. T. a'Beckett	

No. 7.—REFRESHMENT ROOMS (JOINT).

Appointed 26th June, 1877.

The Hon. T. J. Sumner	The Hon. G. F. Belcher
T. F. Hamilton	W. Wilson (<i>Mover</i>)
R. Simson	

No. 8.—RAILWAY CONSTRUCTION BILL.—TO PREPARE REASONS FOR INSISTING ON AMENDMENTS.

Appointed 23rd October, 1877.

The Hon. The President
Dr. Dobson
W. Highett
F. T. Sargood

The Hon. J. Graham
N. Fitzgerald
J. Balfour
R. S. Anderson (*Mover*).

No. 9.—MINING ON PRIVATE PROPERTY BILL.

Appointed 23rd October, 1877.

The Hon. Dr. Dobson
N. Fitzgerald
F. T. Sargood
J. Balfour
T. T. a'Beckett

The Hon. R. Simson
Sir S. Wilson
R. D. Reid
J. P. Bear
J. A. Wallace (*Mover*).

No. 10.—PAYMENT OF MEMBERS OF PARLIAMENT.—COMMITTEE TO PREPARE ADDRESS TO GOVERNOR.

Appointed 7th November 1877.

The Hon. Sir C. Sladen
F. T. Sargood
N. Fitzgerald
J. Balfour

The Hon. J. Graham
R. Simson
Dr. Dobson
R. S. Anderson (*Mover*).

No. 11.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—RAILWAY CONSTRUCTION BILL AMENDMENTS.—COMMITTEE TO PREPARE REPLY TO STATEMENT ON SUBJECT OF THEIR ALLEGED PRIVILEGES.

Appointed 13th November, 1877.

The Hon. Sir C. Sladen
F. T. Sargood
N. Fitzgerald
J. Balfour
J. Graham

The Hon. T. T. a'Beckett
J. Cumming
Sir S. Wilson
R. S. Anderson (*Mover*).

No. 12.—GOULBURN VALLEY RAILWAY BILL.—GIPPSLAND RAILWAY CONSTRUCTION BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—COMMITTEE TO CONFER.

Appointed 19th December, 1877.

The Hon. F. T. Sargood
R. Simson
Sir S. Wilson
R. S. Anderson
J. P. Bear

The Hon. T. J. Sumner
J. A. Wallace
J. Balfour
N. Fitzgerald
Sir C. Sladen (*Mover*).

No. 13.—LAYING ASIDE APPROPRIATION BILL.—ADDRESS TO THE GOVERNOR.

Appointed 9th January, 1878.

The Hon. R. S. Anderson
J. Balfour
N. Fitzgerald
F. T. Sargood

The Hon. T. J. Sumner
Sir S. Wilson
Sir C. Sladen (*Mover*).

No. 14.—MEMORANDUM OF CHIEF SECRETARY.—ADDRESS TO THE GOVERNOR ASKING FOR COPY OF.

Appointed 22nd January, 1878.

The Hon. J. Balfour
W. Campbell
J. A. Wallace

The Hon. R. S. Anderson
Sir C. Sladen (*Mover*).

No. 15.—THE CRISIS—FACTS AND CIRCUMSTANCES OF, ETC.—ADDRESS TO HER MAJESTY THE QUEEN.

Appointed 23rd January, 1878.

The Hon. J. Balfour
F. T. Sargood
J. P. Bear

The Hon. Sir S. Wilson
Sir C. Sladen (*Mover*).

No. 16.—THE CRISIS—ADDRESS TO THE GOVERNOR, ASKING FOR COPIES OF DESPATCHES RELATING THERETO.

Appointed 12th February, 1878.

The Hon. J. Balfour
G. F. Belcher
Dr. Dobson

The Hon. J. Graham
Sir C. Sladen (*Mover*).

No. 17.—ADDRESS TO HER MAJESTY THE QUEEN IN REPLY TO ADDRESS FROM ASSEMBLY ON THE CRISIS.

Appointed 19th February, 1878.

The Hon. R. S. Anderson
J. Cumming
Dr. Dobson
N. Fitzgerald

The Hon. F. T. Sargood
W. Wilson
Sir C. Sladen (*Mover*).

No. 18.—MEMORANDUM OF CHIEF SECRETARY.—PAYMENTS ON VOTES OF LEGISLATIVE ASSEMBLY;—AND UNDER 45TH SECTION OF CONSTITUTION ACT.—ADDRESS TO THE GOVERNOR.

Appointed 20th March, 1878.

The Hon. R. S. Anderson
G. F. Belcher
J. A. Wallace
F. T. Sargood

The Hon. J. Cumming
Sir S. Wilson
Sir C. Sladen (*Mover*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1877.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

WEDNESDAY, 5TH SEPTEMBER, 1877.

REGULATION AND INSPECTION OF MINES BILL.—Clause 6, Sub-section xx.—No person under the age of eighteen years shall be placed in charge of or have the control of any steam engine or boiler or any other mechanical power used in connection with the working of any mine. No person in charge of machinery in connection with the working of any mine shall under any pretext whatever, unless relieved by a competent person for that purpose, absent himself or cease to have continual supervision of such machinery during the time it is used in working the “mine.” No person in charge of steam machinery shall be employed more than eight hours in any one day or in any one continuous period, and there shall be an interval of at least eight hours between any two consecutive periods of such employment.

Motion made—That all the words after the word “mine,” in the sixth line of the above sub-section, to the end of the sub-section, be struck out.—(*Hon. F. T. Sargood.*)

Question—That all the words proposed to be struck out be so struck out—put.

Committee divided.

Contents, 6.
The Hon. T. Bromell
R. D. Reid
W. Campbell
J. P. Bear
J. A. Wallace
F. T. Sargood (*Teller*).

Not Contents, 7.
The Hon. Sir C. Sladen
H. Cuthbert
R. Simson
J. Buchanan
A. Fraser
J. Cumming
J. Balfour (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1877.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

WEDNESDAY, 12TH SEPTEMBER, 1877.

No. 1.—RAILWAY CONSTRUCTION BILL.—Clause 3, Sub-section (1).—A railway commencing at a point on the east side of Swanston street “near” its junction with Flinders street, in the city of Melbourne, and terminating in the parish of Mulgrave, at the commencement of the railway from Oakleigh to Sale, in the line and upon the lands described in the First Schedule hereto, and such railway and the railway from Oakleigh to Sale may be called the Gippsland Railway.

Motion made—That the word “near” occurring in the second line of the above Sub-section of Clause 3 be struck out, with a view to insert the words “a thousand feet from” in lieu thereof.—(Hon. W. Wilson.)

Question—That the word proposed to be struck out be so struck out—put.

Committee divided.

Contents, 7.
The Hon. J. Buchanan
R. D. Reid
F. Robertson
A. Fraser
G. F. Belcher
H. Cuthbert
W. Wilson (*Teller*).

Not Contents, 14.
The Hon. Sir C. Sladen
R. S. Anderson
R. Simson
N. Black
Sir S. Wilson
J. Balfour
J. Cumming
T. F. Hamilton
J. A. Wallace
N. Fitzgerald
F. T. Sargood
J. P. Bear
Dr. Dobson
J. Graham (*Teller*).

No. 2.—RAILWAY CONSTRUCTION BILL.—Clause 3, Sub-section (1).—A railway commencing at a point on the east side of Swanston street near its junction with Flinders street, in the city of Melbourne, and terminating in the parish of Mulgrave, at the commencement of the railway from Oakleigh to Sale, in the line and upon the lands described in the First Schedule hereto, and such railway and the railway from Oakleigh to Sale may be called the Gippsland Railway.

Motion made—That the above Sub-section be struck out, with a view to insert the following words in lieu thereof, viz.:—“*With a view to the exercise of running powers by the Victorian Railways over the railway lines of the Melbourne and Hobson’s Bay United Railway Company, a railway commencing at Oakleigh at the point of commencement of the authorized line of railway from Oakleigh to Sale, passing through or near Camberwell, and terminating at the west side of the terminus of the Hawthorn branch of the said company, and a railway commencing on the west side of the Flinders street station of the said company at the Coal Reserve, and terminating at the south-east side of the Spencer street Railway Station, in the lines and upon the lands described in the First Schedule hereto, and such railways shall be called the Oakleigh Connection of the Gippsland Railway.*”—(Hon. Sir C. Sladen.)

Question—That the words proposed to be struck out be so struck out—put.
Committee divided.

Contents, 14.
The Hon. R. S. Anderson
J. Graham
R. Simson
J. Balfour
Sir S. Wilson
J. Cumming
F. T. Sargood
T. F. Hamilton
J. A. Wallace
J. P. Bear
N. Fitzgerald
N. Black
Sir C. Sladen
Dr. Dobson (*Teller*).

Not Contents, 7.
The Hon. H. Cuthbert
A. Fraser
F. Robertson
J. Buchanan
R. D. Reid
G. F. Belcher
W. Wilson (*Teller*).

THURSDAY, 13TH SEPTEMBER, 1877.

No. 3.—RAILWAY CONSTRUCTION BILL.—Clause 3, Sub-section (II.)—A railway commencing at a point on the North-Eastern Railway at Avenel and terminating at Shepparton in the line and upon the lands described in the Second Schedule to this Act, to be called the Goulburn Valley Railway.

Motion made—That the above Sub-section be struck out, with a view to insert the following words in lieu thereof:—“*A railway commencing at the Gravel Pits 67 miles 56 chains 10 links on the North-Eastern Railway south-west from Avenel, crossing the Goulburn River south-west of Murchison, passing through Tatura and terminating at Shepparton in the line and upon the lands described in the Second Schedule to this Act, to be called the Goulburn Valley Railway.*”
—(*Hon. Sir C. Sladen.*)

Question—That Sub-section (II.) be struck out—put.
Committee divided.

Contents, 16.
The Hon. W. Campbell
Sir S. Wilson
Sir C. Sladen
T. J. Sumner
J. Balfour
Dr. Dobson
J. Cumming
R. Simson
W. Highett
F. T. Sargood
T. F. Hamilton
N. Fitzgerald
F. Robertson
J. P. Bear
A. Fraser
J. Graham (*Teller*).

Not Contents, 3.
The Hon. J. Buchanan
R. D. Reid
H. Cuthbert (*Teller*).

LEGISLATIVE COUNCIL.

SESSION 1877.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

TUESDAY, 20TH NOVEMBER, 1877.

No. 1.—GIPPSLAND RAILWAY CONSTRUCTION BILL.—Clause 3.—It shall be lawful to make and maintain the following railway in the line and upon the lands described in the Schedule hereto and within any deviation thereof as herein provided, and all proper works and conveniences in connection therewith (that is to say):—*“A railway commencing at a point near Flinders street in the city of Melbourne at the eastern boundary of the land held by the Melbourne and Hobson’s Bay United Railway Company and terminating in the parish of Mulgrave at the commencement of the railway from Oakleigh to Sale in the line and upon the lands described in the Schedule hereto,”* and such railway and the railway from Oakleigh to Sale may be called the Gippsland Railway.

Motion made—That the words *“A railway commencing at a point near Flinders street in the city of Melbourne at the eastern boundary of the land held by the Melbourne and Hobson’s Bay United Railway Company and terminating in the parish of Mulgrave at the commencement of the railway from Oakleigh to Sale in the line and upon the lands described in the Schedule hereto,”* in the fourth and three following lines of the above clause be struck out, with a view of inserting the following words:—*“A railway commencing at Oakleigh at the point of commencement of the authorized line of railway from Oakleigh to Sale, passing through or near Camberwell, and terminating at the north side of the terminus of the Hawthorn branch of the Melbourne and Hobson’s Bay United Railway Company at Hawthorn.”*—(Hon. Sir C. Sladen.)

Question—That the words proposed to be struck out be so struck out—put.

Committee divided.

Contents, 12.
 The Hon. N. Black
 Sir C. Sladen
 R. S. Anderson
 Sir S. Wilson
 R. Simson
 F. T. Sargood
 J. Balfour
 T. F. Hamilton
 J. P. Bear
 J. A. Wallace
 N. Fitzgerald
 J. Graham (*Teller*).

Not Contents, 6.
 The Hon. Capt. Cole
 J. Buchanan
 A. Fraser
 G. F. Belcher
 R. D. Reid
 H. Cuthbert (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1877-8.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

FRIDAY, 21ST DECEMBER, 1877.

No. 1.—TOLLS BILL.—Clause 1.—Notwithstanding the proviso to section 419 of the “*Local Government Act 1874*” or any Acts amending the same tolls shall on and after the first day of January One thousand eight hundred and seventy-eight and until the thirty-first day of December One thousand eight hundred and seventy-“*nine*” and no longer be payable and collected under and in accordance with the provisions of the Act No. DVI at the toll-bars toll-gates and toll-houses set forth in the Schedule hereto and at no others; and this Act shall be read with and construed as part of the said Act No. DVI.

Motion made—That the word “*nine*” occurring in the third line of the above clause be struck out with a view of inserting the word “*eight*.”—(*Hon. Sir C. Sladen.*)

Question—That the word “*nine*” proposed to be struck out be so struck out—put.

Committee divided.

Contents, 10.

The Hon. W. Campbell
The President
Sir C. Sladen
Sir S. Wilson
F. T. Sargood
J. Buchanan
T. F. Hamilton
N. Fitzgerald
J. Cumming
R. Simson (*Teller*).

Not Contents, 5.

The Hon. A. Fraser
H. Cuthbert
R. D. Reid
J. A. Wallace
J. P. Bear (*Teller*).

VICTORIA.

ELECTORS IN PROVINCES.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE W. HIGHETT.—18TH SEPTEMBER, 1877.

LAID ON THE COUNCIL TABLE BY THE HONORABLE H. CUTHBERT, AND ORDERED BY THE COUNCIL TO BE PRINTED, 19TH SEPTEMBER, 1877.

A RETURN showing the Number of Electors for the Legislative Council on the Roll for each Electoral Province, distinguishing those who are Ratepayers from those on the General Roll.

Provinces and Divisions.	Number of Electors on the Rolls.			Provinces and Divisions.	Number of Electors on the Rolls.		
	Rate-payers.	Non-Rate-payers.	Total.		Rate-payers.	Non-Rate-payers.	Total.
CENTRAL.				SOUTH.			
Abbotsford	86	23	109	Anderson's Creek	32	Nil	32
Boroondara (B)	146	6	152	Bacchus Marsh	80	8	88
Carlton	829	34	863	Ballan North	45	1	46
Eastern Hill	502	3	505	Beveridge... ..	46	1	47
Elsternwick	151	9	160	Blackwood	27	4	31
Emerald Hill	585	66	651	Boroondara (A)	455	54	509
Fitzroy East	186	7	193	Brighton East	42	14	56
Fitzroy West	223	16	239	Brighton West	201	27	228
Flemington	106	4	110	Brushy Creek	33	7	40
Footscray	102	9	111	Broadmeadows	32	1	33
Glasshouse North	130	48	178	Brunswick	163	17	180
Glasshouse South	84	34	118	Bulla	66	3	69
Hotham	71	15	86	Bulleen	46	1	47
Jolimont	410	38	448	Bylands	51	2	53
Northcote (A)	4	Nil	4	Campbellfield	45	10	55
Quarries	58	3	61	Caulfield	45	2	47
Railway	203	3	206	Corinella	39	7	46
Royal Park	198	30	228	Cranbourne	124	4	128
Sandridge	149	5	154	Dandenong East	106	4	110
South Yarra	499	23	522	Dandenong West	39	6	45
St. Francis's	331	8	339	Darebin	36	4	40
St. James's (Melbourne)	283	3	286	Diggers' Rest	8	1	9
St. James's (Richmond)	79	4	83	Donnybrook	41	2	43
St. Kilda East	385	17	402	Eltham	50	4	54
St. Kilda West	218	9	227	Epping	38	3	41
St. Mark's	125	17	142	Essendon	93	5	98
St. Mary's	313	8	321	Gardiner	84	9	93
St. Patrick's	923	11	934	Gisborne	80	14	94
St. Paul's	904	Nil	904	Heidelberg	53	6	59
St. Stephen's	155	28	183	Kangerong	64	Nil	64
Swan	129	10	139	Keilor	47	4	51
University	231	10	241	Kororoit	58	5	63
Williamstown North	43	5	48	Lancefield	165	17	182
Williamstown South	94	18	112	Melton	61	2	63
Windsor	286	29	315	Mordialloc	27	Nil	27
Totals	9,221	553	9,774	Mulgrave	38	1	39
				Northcote (B)	54	1	55

A RETURN showing the Number of Electors for the Legislative Council on the Roll for each Electoral Province, distinguishing those who are Ratepayers from those on the General Roll—*continued.*

Provinces and Divisions.	Number of Electors on the Rolls.			Provinces and Divisions.	Number of Electors on the Rolls.		
	Rate-payers.	Non-Rate-payers.	Total.		Rate-payers.	Non-Rate-payers.	Total.
SOUTH—continued.				WESTERN—continued.			
Nunawading	76	5	81	Heytesbury West	77	6	83
Oakleigh	33	7	40	Heywood	95	9	104
Pentridge	25	32	57	Lismore	15	1	16
Plenty	41	7	48	Miners' Rest	100	7	107
Preston	47	13	60	Mortlake	93	6	99
Snapper Point	84	6	90	Mount Rouse	79	2	81
St. Andrew's	22	7	29	Moyne	73	3	76
The Gap	42	2	44	Portland	56	15	71
Tullamarine	21	2	23	Raglan	147	7	154
Whittlesea	23	6	29	Skipton	22	4	26
Wyndham	41	2	43	Streatham	32	1	33
Yan Yean	25	1	26	Terang	112	4	116
Totals	3,194	341	3,535	Tower Hill	179	12	191
SOUTH-WESTERN.				Wangoom	68	7	75
Anakie	12	4	16	Warrnambool	123	23	146
Ashby North	103	14	117	Wickliffe	93	Nil	93
Ashby South	114	18	132	Woodford	150	6	156
Ballan South	45	9	54	Yambuk	33	2	35
Ballarat East (Proper)	182	41	223	Totals	2,693	215	2,908
Ballarat West (Proper)	440	107	547	NORTH-WESTERN.			
Barrabool	37	6	43	Amherst	114	14	128
Barwon	37	5	42	Amphitheatre	3	Nil	3
Batesford	75	3	78	Ararat (A)	8	Nil	8
Bellarine	54	3	57	Armstrong's	9	2	11
Buninyong	89	23	112	Avoca	76	2	78
Burnt Bridge	26	8	34	Back Creek	46	4	50
Colac	171	14	185	Baringhup East	49	3	52
Connearre	31	14	45	Baringhup West	58	1	59
Egerton	19	1	20	Broadford (B)	136	4	140
Geelong North	526	59	585	Campaspe	221	7	228
Gordon	52	10	62	Campbell's	20	Nil	20
Inverleigh	35	2	37	Campbell's Creek	7	1	8
Italian Gully	27	5	32	Carisbrook	57	8	65
Kardinia	43	5	48	Carlsruhe	20	4	24
Linton	49	14	63	Castlemaine	180	13	193
Little River	57	7	64	Cathcart (A)	37	3	40
Maddingley	43	Nil	43	Chewton	30	1	31
Modewarre	15	4	19	Clunes	116	12	128
Mount Misery	14	Nil	14	Cochran's	23	1	24
Mount Moriac	46	4	50	Creswick	199	11	210
Queenscliff	54	7	61	Daylesford	115	14	129
Rokewood	35	8	43	Dunolly	119	11	130
Smythe's Creek	29	7	36	Elphinstone	29	3	32
Smythesdale	6	Nil	6	Elysian Flat	139	7	146
South Road	5	1	6	Franklin	74	6	80
Steiglitz	74	10	84	Fryerstown	28	3	31
The Leigh	38	4	42	Glenlyon	66	Nil	66
Wallington	21	2	23	Glenorchy	89	2	91
Warrenheip	103	17	120	Glenpatrick	31	7	38
Western Road	113	Nil	113	Great Western	5	Nil	5
Winchelsea East	9	2	11	Guildford	21	1	22
Winchelsea West	49	4	53	Harcourt	6	2	8
Winter's	33	11	44	Harrow North	38	3	41
Woody Yaloak	14	2	16	Heathcote (A)	82	6	88
Totals	2,925	455	3,380	Horsham	214	7	221
WESTERN.				Inglewood	57	10	67
Ararat (B)	106	8	114	Jericho	7	2	9
Balmoral	26	2	28	Kilmore	70	16	86
Belfast	58	8	66	Kingower	13	1	14
Braunholme	80	15	95	Kingston	60	4	64
Bridgewater	25	6	31	Korong	65	1	66
Burrumbeet	21	3	24	Kyneton	153	11	164
Camperdown	80	11	91	Laplough	11	1	12
Caramut	79	3	82	Lexton	61	5	66
Carngham	8	Nil	8	Lockwood	9	Nil	9
Casterton	218	11	229	Long Gully	68	Nil	68
Cathcart (B)	55	2	57	Malakhoff	62	2	64
Darlington	12	1	13	Maldon	108	11	119
Dartmoor	12	3	15	Malmsbury	31	1	32
Digby	69	5	74	Mandurang	109	7	116
Hamilton North	179	11	190	Marong	224	5	229
Hamilton South	26	8	34	Maryborough	147	10	157
Harrow South	46	1	47	Mildura	6	Nil	6
Heytesbury East	46	2	48	Moliagul	10	Nil	10
				Mount Hope	234	2	236
				Muckleford	4	Nil	4
				Navarre	67	2	69
				Newbridge	53	Nil	53

A RETURN showing the Number of Electors for the Legislative Council on the Roll for each Electoral Province, distinguishing those who are Ratepayers from those on the General Roll—*continued.*

Provinces and Divisions.	Number of Electors on the Rolls.			Provinces and Divisions.	Number of Electors on the Rolls.		
	Rate-payers.	Non-Rate-payers.	Total.		Rate-payers.	Non-Rate-payers.	Total.
NORTH-WESTERN—<i>continued.</i>				EASTERN—<i>continued.</i>			
Newstead	29	1	30	Merton	68	2	70
Pleasant Creek	193	12	205	Middle	172	16	186
Pyramid Creek	277		277	Mitta Mitta	54	2	56
Reedy Creek (A)	2	1	3	Myrtle Creek	47	2	49
Sandhurst	553	12	565	Omco	31	1	32
Sandy Creek	52	Nil	52	Palmerston	8	1	9
Seymour (A)	6	Nil	6	Reedy Creek (B)	8	2	10
Smeaton	106	6	112	Seven Creeks	46	Nil	46
Spring Creek	17	Nil	17	Seymour (B)	21	4	25
St. Arnaud	296	6	302	Snowy Creek	2	Nil	2
Strangways	15	1	16	Stanley	15	1	16
Swan Hill	35	Nil	35	Tallarook	47	1	48
Taradale	47	2	49	Tarraville	14	1	15
Tarrengower	71	Nil	71	Tarrawingee	241	1	242
Tylden	82	4	86	Wahgunyah	91	5	96
Vaughan	8	3	11	Wangaratta	89	4	93
White Hills	142	6	148	Waranga	182	9	191
Woodend	23	3	26	Western	217	10	227
Totals	6,048	311	6,359	Wodonga	16	2	18
EASTERN.				Woodside	12	Nil	12
Alberton	26	5	31	Woolshed	1	1	2
Avenel	5	Nil	5	Yackandandah	75	2	77
Beechworth	180	7	187	Yea	79	3	82
Belvoir	22	1	23	Totals	3,048	153	3,201
Benalla (Murray)	157	6	163	SUMMARY.			
Benalla (Boroughs)	42	10	52				
Broadford (A)	10	Nil	10	<i>Provinces—</i>			
Buckland	58	8	66	Central	9,221	553	9,774
Eastern	165	15	180	South	3,194	341	3,535
Echuca	398	9	407	South-Western	2,925	455	3,380
Euroa	6	1	7	Western	2,693	215	2,908
Heathcote (B)	33	Nil	33	North-Western	6,048	311	6,359
Indigo	105	4	109	Eastern	3,048	153	3,201
Longwood	148	7	155	Totals	27,129	2,028	29,157
Mansfield	157	10	167				

Chief Secretary's Office,
19th September, 1877.

W. H. ODGERS,
Under Secretary.

VICTORIA.

MONEY BILLS AND BILLS INCIDENTALLY INVOLVING TAXATION, ETC.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE R. S. ANDERSON.—9TH OCTOBER, 1877.

LAID ON THE COUNCIL TABLE BY THE HONORABLE THE PRESIDENT, AND ORDERED BY THE
COUNCIL TO BE PRINTED, 16TH OCTOBER, 1877.

RETURN, showing the Money Bills rejected, or laid aside, or not proceeded with by this House since the 16th October 1867, with the reasons (if any) given for the decision arrived at; also of Money Bills amended by the Legislative Council during the same period; also of Bills incidentally involving Taxation amended by the Council during the same period, distinguishing the Bills in which a free-gift Preamble was used from those introduced with the ordinary Preamble.

RETURN,

Showing the Money Bills rejected or laid aside, or not proceeded with since the 16th October, 1867, with the reasons (if any) given for the decision arrived at, distinguishing the Bills in which a free-gift Preamble was used from those introduced with the ordinary Preamble.

Short Title of Bills.	How disposed of.	Reasons for decision arrived at, as recorded in the Proceedings of the Council.	When.
Consolidated Revenue Bill ^a ... Preamble—"MOST GRACIOUS SOVEREIGN: We, Your Majesty's most dutiful and loyal subjects, the Legislative Assembly of Victoria in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted: And be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same, as follows:—"	Second reading rejected	Question—"That inasmuch as the Supply Bill now before this House does not disclose the specific purposes to which the money required will be applied, according to the requirements of the 55th section of the Constitution Act and the practice of the Imperial Parliament, and inasmuch as it cannot be followed by an Appropriation Act during the existence of the present Parliament, His Excellency the Governor having announced his intention of immediately dissolving the Legislative Assembly, this Bill be rejected—put and passed."	5th Nov. 1867.
Compensation to Members of Parliament Bill	Second reading negatived	... ..	1st Dec. 1869.
State Aid to Religion Abolition Bill [*] ...	Second reading negatived	... ..	1st Dec. 1869.

a. The body of the Return sets out the Preamble actually prefixed to the Bill. The form of Preamble agreed to by the Conference Committees of both Houses in April, 1866, was as follows:—"MOST GRACIOUS SOVEREIGN: Whereas we, Your Majesty's most dutiful and loyal subjects, the Legislative Assembly of Victoria in Parliament assembled, did, on the eleventh day of April, in the year of Our Lord One thousand eight hundred and sixty-six, freely and voluntarily vote that a Supply be granted to Your Majesty, and whereas towards raising such Supply we did, on the eleventh day of April aforesaid, vote that the several duties hereinafter mentioned be charged We do therefore most humbly beseech Your Majesty that it may be enacted and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled, and by the authority of the same as follows:—"

^{*} Bill marked thus ^{*} is required by the Constitution Act to be passed with the concurrence of an absolute majority of the whole number of the members of the Council on the second and third readings before it can become law.

Land Bills, and Bills relating to Gold Licenses and to Gold Export Duty, and to Immigration, have been rejected and altered by the Council; but the Council having declared that the Territorial Revenue is distinct from Aid or Supply, such Bills are not included in this Return.

RETURN

Of Money Bills Amended by the Legislative Council since 16th October, 1867, distinguishing the Bills in which a free-gift Preamble was used from those introduced with the ordinary Preamble :—

Nil.

RETURN

Of Bills incidentally involving Taxation, amended by the Legislative Council from 16th October, 1867, distinguishing the Bills in which a free-gift Preamble was used from those introduced with the ordinary Preamble :—

Short Title of Bills.	Amended by the Legislative Council and passed, or finally dealt with.	Amendments agreed to or not agreed to by Legislative Assembly.	When Message from Legislative Assembly communicated to Council.
Railways Loan Bill... ..	23rd September, 1868	Laid aside by Legislative Assembly, and an Amended Bill sent to Council and passed.	
Public Works Loan Bill	24th September, 1868	Agreed to	25th Sept., 1868.
Abattoirs Bill	1st December, 1869	Agreed to	22nd Dec., 1869.
County Courts Law Amendment Bill...	29th June, 1869	Agreed to some, disagreed to one, and agreed to others with amendments	25th Aug., 1869.
Local Government Act Amendment Bill	1st December, 1869	Agreed to some, and to others with amendments, and disagreed to others	28th Dec., 1869.
Fisheries Act Amendment Bill	3rd August, 1869 ... ..	... ..	Not returned from Assembly.
Coroners Statute 1865 Amendment Bill	6th July, 1869	Agreed to	20th July, 1869.
Lands Compensation Bill	4th August, 1869	Agreed to	17th Aug., 1869.
Scab Bill	26th October, 1869. Bill finally laid aside by Council	Agreed to some, and to some with amendments, and disagreed to others	23rd Dec., 1869.
Aboriginal Natives Protection Bill ...	31st August, 1869	Agreed to, with consequential amendment	21st Oct., 1869.
Insolvency Law Amendment Bill	Discharged from Notice Paper, 11th November, 1869.		
Stamps Bill	25th November, 1869... ..	Agreed to	22nd Dec., 1869.
Municipal Corporations Law Amendment Bill	1st December, 1869	Agreed to some, and to one with amendment, and disagreed to others	28th Dec., 1869.
Census Bill	22nd June, 1870	Agreed to	5th July, 1870.
Wines, Beer, and Spirits Sale Statute 1864 Amendment Bill	22nd December, 1870... ..	... ..	Not returned from Legislative Assembly.
Shires Statute Amendment Bill	22nd December, 1870... ..	Agreed to some and disagreed to others	22nd Dec., 1870.
Post Office Statute Amendment Bill ...	Ordered to "be read a second time this day six months" (26th September, 1871).		
Shires Statute Amendment Bill	4th October, 1871	Agreed to with amendments	25th Oct., 1871.
Impounding Law Amendment Bill	2nd November, 1871. Re-transmitted to Assembly (14th November, 1871) and not returned	Agreed to some, to others with amendments, and disagreed to others	8th November, 1871.
Wine, Beer, and Spirits Sale Statute Amendment Bill	Ordered to "be read a second time this day six months" (15th November, 1871).		
Scab Bill	Ordered to "be read a second time this day six months" (7th November, 1871).		
Permissive Liquors Sale Bill	Lapsed.—Committee of the whole Council ordered "to sit again this day three months" (21st November, 1871).		
Diseases in Stock Bill	19th November, 1872... ..	Agreed to one of the amendments, and to another with an amendment	26th November, 1872. Conference of both Houses.
Permissive Liquors Sale Bill	Ordered to "be read a second time this day six months" (1st October, 1872).		
Education Bill	28th November, 1872... ..	Agreed to some, to others with amendments, and disagreed to others	4th December, 1872.

RETURN—continued.

Short Title of Bills.	Amended by the Legislative Council and passed, or finally dealt with.	Amendments agreed to or not agreed to by Legislative Assembly.	When Message from Legislative Assembly communicated to Council.
Waterworks Statute 1865 Amendment Bill	5th November, 1872. Re-transmitted to Legislative Assembly (20th November, 1872), not returned. An amended Bill was subsequently sent from Assembly and passed	Agreed to some, disagreed to others ...	19th November, 1872.
Market Laws Amendment Bill ...	Ordered to "be read a second time this day six months" (19th November, 1872).		
Local Governing Bodies Loan Bill ...	4th December 1872 ...	Agreed to	11th Dec., 1872.
Savings Banks Law Amendment Bill...	Second reading negative (14th October 1873).		
Fisheries Bill	30th October 1873 ...	Agreed to some and disagreed to others	5th Nov., 1873.
Impounding Bill	11th November 1873...	Agreed to some, to one with amendments, and made a consequential amendment	11th Nov., 1873.
Market Laws Amendment Bill ...	Ordered to "be read a second time this day six months" (28th October 1873).		
Supreme Court Bill	Laid aside (4th November 1873).		
Local Government Laws Consolidation and Amendment Bill	17th December 1874 ...	Agreed to some, to others with amendments, and made consequential amendments, and disagreed to others	22nd Dec., 1874.
Local Government Act Amendment Bill	6th April 1876 ...	Agreed to	6th April, 1876.
Melbourne Harbor Trust Bill ...	5th December 1876 ...	Agreed to	12th Dec., 1876.
Pharmacy Bill	12th December 1876...	Agreed to	20th Dec., 1876.
Public Houses Bill	20th December 1876...	Agreed to some, to others with amendments, made a consequential amendment, and disagreed to others	21st Dec., 1876.
Local Government Act 1874 Amendment Bill	21st December 1876 ...	Agreed to	21st Dec., 1876.
Melbourne General Market Site Bill ...	Second reading negative (20th December 1876).		
Local Government Act 1874 Amendment Bill (2)	Lapsed after being read a second time (21st December 1876).		
State Forests Bill	21st December 1876 ...	Agreed to	21st Dec., 1876.

N.B.—The term "Money Bill" having been used in the Order, the Returns have been framed in accordance with the meaning ascribed to that term in England. The term is not used in the Constitution Act, and it comprises Bills which are not comprised by the words of the 56th clause of the Constitution Act.

Railway Construction Bills were not included in the Return made in 1867, and are not included in this Return.

Only Bills sent from the Assembly to the Council are included in these Returns.

DISMISSED CIVIL SERVANTS—CLASSIFIED AND UNCLASSIFIED.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL,
THE HONORABLE G. F. BELCHER.—22ND JANUARY, 1878.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE H. CUTHBERT, AND
ORDERED BY THE COUNCIL TO BE PRINTED 14TH MARCH, 1878.

A RETURN of all the Civil Servants, classified and not classified, whose services have been dispensed with by the Government from the 1st instant,* showing their positions in the Service, and the Salary attached to each; also, the amount of compensation payable in each case under provision of the Civil Service Act up to the date of the Return.

A RETURN of all the Civil Servants, classified and not classified, who have been dismissed by the Government from the 1st January, 1878, showing their positions in the Service, and the Salary attached to each; also, the amount of compensation payable in each case under provision of the Civil Service Act up to the date of the Return.

CHIEF SECRETARY'S DEPARTMENT.

Nil.

W. H. ODGERS, Under Secretary.

THE EDUCATION DEPARTMENT.

Name.	Position.	Date of Dismissal.	Salary.	Amount of Compensation under provisions of Civil Service Act.
Venables, H. P. ...	Secretary ...	24th January, 1878	£ 900 0 0	Not entitled to compensation under Civil Service Act.
Testar, T. H. ...	Accountant ...	"	550 0 0	
Handfield, W. H. ...	Chief Clerk ...	"	550 0 0	
Abcott, T. ...	Clerk ...	"	400 0 0	
Sircom, G. K. ...	" ...	"	360 0 0	
Burke, R. ...	" ...	"	320 0 0	
Brown, G. W. ...	Inspector-General ...	"	700 0 0	
Sircom, J. ...	Inspector ...	"	550 0 0	
Sasse, H. A. ...	" ...	"	550 0 0	
Main, J. ...	" ...	"	520 0 0	
Brodribb, T. ...	" ...	"	510 0 0	
Baldwin, J. ...	" ...	"	460 0 0	
Craig, R. ...	" ...	"	410 0 0	
Holland, J. ...	" ...	"	410 0 0	
Curlewis, A. C. ...	Assistant Inspector ...	"	320 0 0	
Shelton, H. ...	" ...	"	300 0 0	
Martin, C. ...	1st Assistant in Training Institute ...	31st January, 1878	350 0 0	
Wilton, J. ...	2nd Assistant in Training Institute ...	"	300 0 0	
Allen, J. H. ...	Singing Master ...	"	375 0 0	
Bee, W. J. ...	" ...	"	250 0 0	
Binns, C. S. ...	Singing Mistress ...	"	250 0 0	
Bonwick, W. ...	Singing Master ...	"	400 0 0	
Blanchard, C. ...	" ...	"	100 0 0	
Brightwell, J., junior ...	" ...	"	100 0 0	
Buchan, T. J. ...	" ...	"	200 0 0	
Coupland, S. ...	" ...	"	250 0 0	
Crook, A. T. ...	" ...	"	250 0 0	

* (January 1878.)

THE EDUCATION DEPARTMENT—continued.

Name.	Position.	Date of Dismissal.	Salary.	Amount of Compensation under provisions of Civil Service Act.
Cross, W.	Singing Master	31st January, 1878	£ s. d. 250 0 0	Not entitled to compensation under Civil Service Act.
Ford, T.	"	"	375 0 0	
Hadfield, B.	"	"	350 0 0	
Harvey, J.	"	"	300 0 0	
Hayward, H. W.	"	"	250 0 0	
Johnson, A. T. M.	"	"	350 0 0	
Lang, A. G.	"	"	250 0 0	
Millar, A.	"	"	100 0 0	
Moore, W.	"	"	100 0 0	
Perraton, W.	"	"	350 0 0	
Radcliffe, C.	"	"	250 0 0	
Rennie, J. C.	"	"	350 0 0	
Ruxton, H. W.	"	"	200 0 0	
Turner, A. T.	"	"	350 0 0	
Brunn, L. E.	Drawing Master... ..	"	80 0 0	
Hayward, H.	"	"	250 0 0	
Kirkland, G.	"	"	250 0 0	
Martell, F.	"	"	250 0 0	
Peppercorn, J. P.	"	"	350 0 0	
Shew, E. M.	"	"	400 0 3	
Sutherland, G.	"	"	300 0 0	
Taylor, F.	"	"	250 0 0	
Vanden Houten, C. A.	"	"	150 0 0	
Wilson, C. V.	"	"	300 0 0	

ARCHIBALD GILCHRIST,

Acting Secretary.

Education Department,
14th March, 1878.

DEPARTMENT OF THE ATTORNEY-GENERAL.

Nil.

B. C. HARRIMAN,
Secretary to the Law Department.Crown Law Offices,
Melbourne, 25th February 1878.

DEPARTMENT OF THE MINISTER OF JUSTICE.

Name.	Office.	Class.		Salary.	Compensation payable under the Civil Service Act.	Remarks.
		Pro- fessional.	Ordinary			
Bunny, B. F.	Judge of County Courts, &c.			£ Salary paid as Com- missioner of Titles.	£ s. d. Nil.	Still Commissioner of Titles.
Hackett, C. P.	" "			1,500	"	
Nolan, J. F.	" "			1,500	"	
Skinner, C. B. G.	" "			1,500	"	
Akehurst, A. P.	Police Magistrate, &c.			650	1,366 13 8	
Alley, J. H.	"			650	1,313 16 7	
Butler, W.	"			650	1,276 8 2	
Call, F.	"			800	1,277 11 7	
Carr, C. W.	"			650	1,146 10 6	
Cogdon, J.	"			650	1,389 5 1	
Dowling, C. C.	"			650	1,353 2 11	
Grant, W. H.	"			650	1,329 16 11	
Hamilton, J. P.	"			650	1,303 9 10	
Heron, T. D. S.	"			650	1,502 2 0	
Howitt, A. W.	"			650	761 16 6	
Lane, H. B.	"			650	Being over 60 may be superannuated.	
Langford, G.	"			650	1,091 0 11	
Mollison, C.	"			650	Being over 60 may be superannuated.	
Ogier, J. C. II.	"			650	213 6 4	
Orme, F. K.	"			650	Being over 60 may be superannuated.	
Pasco, C. A. D.	"			650	230 4 2	
Pitcairn, R.	"			650	1,357 13 2	
Puckle, F. H.	"			650	Nil.	
Richardson, W. L.	"			50		
Shuter, C.	Police Magistrate ...			650	1,356 1 2	
Smith, B.	"			650	1,281 13 0	
Strutt, C. E.	"			650	Being over 60 may be superannuated.	
Sturt, E. P. S.	"			850		
Taylor, J. G.	"			650	1,200 13 10	
Templeton, W.	"			650	1,420 17 1	
Thomson, J. C.	"			650	1,402 15 11	
Webster, G.	"			650	1,237 16 5	
Wyatt, A.	"			650	290 9 9	

DEPARTMENT OF THE MINISTER OF JUSTICE—*continued.*

Name.	Office.	Class.		Salary.	Compensation payable under the Civil Service Act.	Remarks.
		Pro- fessional.	Ordinary			
Slade, E. ...	Coroner ...			£ Nil	Nil.	Paid by fees.
Gamson, F. ...	" ...			"	"	
Worsley, L. ...	" ...			"	"	
Henderson, T. ...	" ...			"	"	
Morrison, R. G. ...	" ...			"	"	
Holthouse, T. L. ...	" ...			"	"	
Dobbyn, W. A. ...	" ...			"	"	
Nicholson, J. ...	" ...			"	"	
Stobie, D. G. ...	" ...			"	"	
Lumley, T. E. ...	" ...			"	"	
Lintott, E. ...	" ...			"	"	
Sparling, W. A. ...	" ...			"	"	
Smyth, Geo. ...	" ...			"	"	
Bartley, B. J. ...	" ...			"	"	
Jessup, B. ...	" ...			"	"	
Rae, T. ...	" ...			"	"	
Trangmar, G. ...	" ...			"	"	
Sprigg, A. ...	" ...			"	"	
Lees, W. B. ...	" ...			"	"	
Massy, E. H. C. ...	" ...			"	"	
Harsaut, T. ...	" ...			"	"	
Dicker, C. ...	" ...			"	"	
Shaw, F. ...	" ...			"	"	
Travis, J. ...	" ...			"	"	
James, H. ...	" ...			"	"	
Sutherland, W. S. ...	" ...			"	"	
Wilton, A. C. ...	" ...		Nil.	"	"	
Steel, T. H. ...	" ...			"	"	
Littleton, T. ...	" ...			"	"	
Rigby, G. O. ...	" ...			"	"	
Little, T. ...	" ...			"	"	
Hannay, T. ...	" ...			"	"	
Laidman, F. M. ...	" ...			"	"	
Youl, R. ...	" ...			"	"	
Sweetnam, W. F. ...	" ...			"	"	
Bennett, E. J. ...	" ...			"	"	
Brewer, H. E. ...	" ...			"	"	
Heily, J. V. ...	" ...			"	"	
Reid, J. A. ...	" ...			"	"	
Pounds, J. B. ...	" ...			"	"	
Robertson, J. S. ...	" ...			"	"	
Tuck, J. ...	" ...			"	"	
McDonald, H. ...	" ...			"	"	
Brisbane, M. ...	" ...			"	"	
McIntyre, J. M. G. ...	" ...			"	"	
Dowling, F. J. ...	" ...			"	"	
Miller, W. H. ...	" ...			"	"	
Hider, J. ...	" ...			"	"	
Craig, J. H. ...	" ...			"	"	
Rinder, S. ...	" ...			"	"	
Maclean, D. P. ...	" ...			"	"	
Bailey, J. ...	" ...			"	"	
Mueller, A. ...	" ...			"	"	
Armstrong, J. S. ...	Prosecutor for the Queen ...			600	"	
Smith, J. T. T. ...	" ...			600	"	
Garnett, W. S. ...	" ...			600	"	

N.B.—The various amounts estimated for compensation are approximate only, as in some instances the necessary checks as to periods of service have not been completed in consequence of this return having been repeatedly asked for.

Crown Law Offices,
Melbourne, 25th February 1878.

B. C. HARRIMAN,
Secretary to the Law Department.

TREASURY.

Name.	Office.	Salary.			Compensation payable.		
		£	s.	d.	£	s.	d.
Gudemann, R. ...	Accountant, 1st Class ...	800	0	0	1,659	9	9
Hall, Jno. ...	Clerk, 2nd Class ...	566	13	0	1,215	4	1
Walter, J. C. ...	Clerk, 3rd Class ...	485	0	0	959	4	10
Haywood, R. ...	Clerk, 3rd Class ...	485	0	0	913	5	8
Williams, H. J. ...	Clerk, 4th Class ...	350	0	0	690	11	9
Forbes, Alex. ...	Clerk, 4th Class ...	300	0	0	318	12	3
Walker, S. J. ...	Accountant, 3rd Class, Government Printing Office ...	485	0	0	1,019	17	4
Alexander, T. ...	Clerk, 4th Class, Government Printing Office ...	350	0	0	718	0	7
Huntsman, B. ...	Overseer, 4th Class, Government Printing Office ...	350	0	0	*688	18	9
Cartwright, R. J. ...	Reader, 3rd Schedule, Government Printing Office ...	275	0	0	464	18	6

DISCHARGED OFFICERS OVER 60 YEARS OF AGE ENTITLED TO PENSIONS.

Reynell, A. ...	Receiver and Paymaster, 3rd Class ...	485	0	0	202	1	8
Thomas, John ...	Clerk, 4th Class ...	350	0	0	110	16	8
Mullen, J. ...	Clerk, 4th Class ...	350	0	0	145	16	8

* Prior to the discharge of Mr. Huntsman he had applied for permission to retire from the Service under the 42nd section of the Civil Service Act, and his case has not yet been decided on.

13th March 1878.

E. S. SYMONDS.

4

DEPARTMENT OF LANDS AND SURVEY.

Name.	Position.	Salary.	Compensation.
CLASSIFIED OFFICERS.			
		£ s. d.	£ s. d.
Archer, W. H. ...	Secretary for Lands ...	1,200 0 0	2,489 15 8
Moore, H. B. ...	Assistant Surveyor-General ...	750 0 0	1,504 4 0
Robertson, A. ...	Chief Draftsman ...	600 0 0	1,181 9 0
Clarke, L. ...	(2nd Class) District Surveyor	600 0 0	1,770 16 8
Harding, F. ...	(3rd Class) " ...	485 0 0	992 5 5
Nixon, Thos. ...	" " ...	485 0 0	947 5 10
Chauncy, P. ...	" " ...	485 0 0	985 4 2
Taylor, J. H. ...	" " ...	485 0 0	1,044 19 3
Pinniger, T. W. ...	" " ...	485 0 0	1,001 3 7
Black, Alex. ...	" " ...	485 0 0	947 5 8
McDonald, G. T. ...	" " ...	448 6 8	695 9 5
Vance, W. J. ...	" Clerk ...	485 0 0	989 0 1
Horrell, C. C. ...	" Draftsman ...	485 0 0	1,163 5 7
McLachlan, A. ...	" " ...	430 0 0	750 5 9
Noone, John ...	" Photographer ...	485 0 0	687 19 0
Levey, J. A. ...	" Clerk ...	411 13 4	463 17 4
Sturgess, W. G. ...	(4th Class) Draftsman ...	350 0 0	569 7 6
Raymond, F. E. ...	" " ...	350 0 0	652 0 0
Green, John ...	" " ...	350 0 0	612 14 10
Freeman, W. ...	" " ...	350 0 0	713 19 1
Thomas, Jas.* ...	" Clerk ...	350 0 0	305 17 6
UNCLASSIFIED OFFICERS.			
Thompson, Thos. ...	Acting District Surveyor ...	382 10 0	No compensation provided by the Act.
Hardy, John ...	" " ...	350 0 0	
Clinch, P. J. B. ...	" " ...	340 0 0	
Slight, W. ...	Engraver ...	325 0 0	
Andrews, W. K. ...	Draftsman ...	325 0 0	
Strong, P. D. ...	Acting District Surveyor ...	307 0 0	
Shaw, Jas. R. ...	Assistant Surveyor ...	300 0 0	
Morres, E. ...	Acting District Surveyor ...	290 0 0	
Yuille, J. M. ...	Clerk ...	287 10 0	
Cubley, Chas. ...	" ...	267 10 0	
Pugh, T. N. ...	" ...	250 0 0	
Matthews, P. C. ...	Assistant Surveyor ...	250 0 0	
Webster, C. ...	" ...	250 0 0	
Copinger, M. C. ...	Clerk ...	240 0 0	
Hall, L. ...	Draftsman ...	238 10 0	
Ellis, E. ...	" ...	236 0 0	
Williams, J.† ...	" ...	234 0 0	
Lane, D. J.† ...	Clerk ...	228 10 0	
Walker, M. ...	" ...	225 0 0	
Edmonds, H. ...	" ...	225 0 0	
Thurgaland, J. ...	" ...	217 10 0	
Price, E. ...	Draftsman ...	196 0 0	
Chauncy, A. P. ...	Acting District Surveyor ...	180 0 0	
Fitzgerald, E. ...	Draftsman ...	174 10 0	
O'Flannagan, C. ...	Clerk ...	172 3 0	
Rogers, R. R. ...	Draftsman ...	170 0 0	
Morgan, R. R. ...	" ...	160 0 0	
Kelly, H. L. ...	" ...	156 10 0	
Ley, J. L. A. ...	" ...	150 0 0	
Dowling, J. E. ...	Caretaker ...	150 0 0	
Bogue, J. ...	Crown Lands Bailiff ...	120 0 0	
Percival, W. S. ...	Clerk ...	120 0 0	
Power, J. P. ...	" ...	100 0 0	
Richards, P. E. ...	Draftsman ...	100 0 0	
Brown, Thos. ...	" ...	60 0 0	
Glynn, C. ...	Clerk ...	70 0 0	

* Reinstated, included by mistake in the *Gazette* notice. † Reinstated.

Department of Lands and Survey,
Melbourne, 6th February 1878.

FRANCIS LONGMORE,
Commissioner of Crown Lands and Survey.

PUBLIC WORKS DEPARTMENT.

CLASSIFIED OFFICERS whose services were dispensed with from 8th January 1878.

Name.	Position in the Service.	Class.	Annual Salary.			Compensation Payable.		
			£	s.	d.	£	s.	d.
Wardell, W. W. ...	Inspector-General of Public Works	1st ...	1,200	0	0	1,886	17	11
Merrett, S. H. ...	Chief Assistant Architect and Engineer	2nd ...	600	0	0	1,080	5	3
Snow, A. T. ...	Assistant Architect ...	" ...	566	13	4	803	15	9
Clark, J. J. ...	" " ...	" ...	566	13	4	1,181	11	1
Mosely, H. ...	Engineering Surveyor, &c, ...	" ...	566	13	4	803	15	9
Fox, James H. ...	Measuring and Quantities Surveyor	" ...	600	0	0	219	13	4
Todd, A. C. ...	Travelling Superintending Inspector of Works ...	" ...	600	0	0	961	15	1
Topping, Henry ...	Inspector of Works ...	3rd Schedule	300	0	0	410	15	2
O'Connor, George ...	" " ...	"	300	0	0	415	9	5
Williams, Thos. H. ...	" " ...	"	300	0	0	394	7	3
Martin, James ...	" " ...	"	300	0	0	231	13	2
Carr, Leonard ...	" " ...	"	300	0	0	202	7	1
Gordon, Wm. ...	" " ...	"	300	0	0	245	2	4
Martin, J. W. ...	Caretaker of Government House ...	" ...	117	0	0	Nil.		
Galt, Alexander ...	Secretary for Public Works ...	1st ...	700	0	0	280	0	0
Stokes, Wm. ...	Clerk ...	3rd ...	485	0	0	1,008	0	10

Pension per annum.

PUBLIC WORKS DEPARTMENT—*continued.*

UNCLASSIFIED OFFICERS not entitled to Compensation under the Civil Service Act.

Name.	Position in the Service.	Annual Salary.	Compensation Payable.	
		£ s. d.		
Moore, Sydney ...	Clerk	275 0 0	Nil	
Oxenham, William ...	"	150 0 0	"	
Thwaites, George ...	Caretaker of Furniture	208 0 0	"	Engaged to leave at a week's notice.
Gray, John ...	Inspector of Works, Temporary Staff	260 0 0	"	" "
Anderson, William ...	" "	260 0 0	"	" "
Reilly, Joseph ...	" "	260 0 0	"	" "
Hutton, John ...	" "	260 0 0	"	" "
Deans, Archibald ...	" "	260 0 0	"	" "
Ravenscroft, George ...	" "	260 0 0	"	" "
Kneen, Hugh ...	" "	260 0 0	"	" "
McPherson, Danl. ...	" "	260 0 0	"	" "

ROADS AND BRIDGES BRANCH.

UNCLASSIFIED OFFICERS not entitled to Compensation under the Civil Service Act.

Name.	Position in the Service.	Annual Salary.	Compensation Payable.
		£ s. d.	
Rowand, Charles	Road Engineer	675 0 0	Nil.
Liddiard, W. W.	Surveyor	300 0 0	Nil.

Public Works Office,
7th February 1878.

CHARLES LE CREN,
Acting Secretary.

MELBOURNE WATER SUPPLY BRANCH.

Name.	Position in the Service.	Salary.	Compensation Payable.
		£ s. d.	
Taylor, Chas. J.	Superintending Engineer	650 0 0	Nil.
Casey, Michael	Clerk	125 0 0	Nil.

Water Supply Office,
Melbourne, 6th February 1878.

CHARLES LE CREN,
Secretary.

TRADE AND CUSTOMS DEPARTMENT.

Name.	Position.	Salary.	Compensation.
			£ s. d.
Black, E.	Clerk in Commissioner's Office, 4th class	£350	706 13 3
Guthrie, H. M.	Collector of Customs, Melbourne, 1st class	£800	1,920 8 7*
Hammond, H. T.	Warehouse-keeper, Customs, Melbourne, 3rd class	£485	945 2 4*
Moody, L. A.	Chief Inspector of Distilleries, &c., &c., 1st class	£700	1,358 17 5*
Murphy, James	"	£500	Nil
Martin, Septimus	"	£500	Nil
Shaw, H. S.	"	£400, & £100 T. Ex.	Nil
Fuller, W.	Inspector of Licensed Premises and Liquors	£400, & £100 T. Ex.	Nil
Woodville, W. H.	" " " "	£400, & £100 T. Ex.	Nil
Joyce, E.	" " " "	£400, & £100 T. Ex.	Nil
Inglis, T.	" " " "	£400, & £100 T. Ex.	Nil
Coffin, T.	" " " "	£400, & £100 T. Ex.	Nil
Tyson, J.	" " " "	£400, & £100 T. Ex.	Nil
Turner, J.	" " " "	£400, & £100 T. Ex.	Nil
Stanley, Capt. H. J., R.N. ...	Admiralty Surveyor	Colonial allowance } £375 per annum	Nil
Haslewood, N.-Lieut. F., R.N. ...	Assistant do.	12s. per diem	Nil
Crispo, S. S.	Writer	6s. 6d. per diem	Nil
Norgate, J. W. T.	Draftsman	5s. per diem	Nil

* These amounts are subject to revision, the questions raised as to service not being finally settled.

J. CHATFIELD TYLER,

Department of Trade and Customs,
5th March, 1878,

Assistant Commissioner of Trade and Customs,

POST AND TELEGRAPH DEPARTMENT.

SIR,

General Post Office, Melbourne, 30th January 1878.

With respect to the return (moved for by Mr. Belcher) of all Civil Servants dismissed by the Government from the 1st January, 1878, I am to state that no officers of this Department, either classified or unclassified, have been dismissed from the date mentioned.

I have the honor to be, Sir,

Your obedient servant,

The Honorable the Chief Secretary,
&c., &c., &c.

(Signed) S. W. MCGOWAN.

RAILWAY DEPARTMENT.

Date.	Name.	Position.	Salary.	Compensation.
1878.			£ s. d.	£ s. d.
January 8	A. P. Mathison	Traffic Manager	750 0 0	1,283 12 0
"	G. F. Dennis	Piermaster, Williamstown	325 0 0	152 19 2
"	T. Higinbotham	Engineer-in-Chief	1,500 0 0	2,497 19 8
"	A. Wells	Resident Engineer	1,000 0 0	1,730 19 1
"	W. H. Greene	Ditto	1,000 0 0	1,873 13 0
"	W. F. Hardie	Ditto	700 0 0	1,322 1 2
"	H. Cuthbert	District Engineer	500 0 0	937 10 0
			£5,775 0 0	£9,798 14 1

Department of Railways,
4th February 1878.

GEO. T. A. LAVATER,
Accountant.

MINING DEPARTMENT.

CLASSIFIED OFFICERS.

Name.	Position in the Service.		Salary per annum.	Compensation.	Remarks.
	Division.	Class.	£ s. d.	£ s. d.	
R. Francis	Ordinary	2	600 0 0	1,245 16 8	Re-employed in the Law Department.
S. D. S. Huggline	"	3	485 0 0	998 7 7	
J. B. Drummond	"	3	485 0 0	983 4 0	
R. Shepherd	"	3	485 0 0	767 18 4	
T. G. A. Hickey	"	4	350 0 0	499 14 0	
E. M. Cairnes	"	4	350 0 0	518 8 6	
W. E. Woolaston	"	4	350 0 0	723 1 5	
W. A. Sullivan	"	4	350 0 0	357 5 1	

VICTORIAN WATER SUPPLY BRANCH.

G. Gordon	Professional	1	£1,200, and £240 per annum as travelling allowance.	581 6 0	
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UNCLASSIFIED OFFICERS.

Name.	Office.	Salary per annum.	Compensation.	Remarks.
		£ s. d.		
W. Nicholas	Clerk	350 0 0	Not legally entitled to compensation under the provisions of the Civil Service Act.	
J. B. Simmons	Ditto	300 0 0	Ditto.	
A. Everett	Draftsman	300 0 0	Ditto.	
E. R. Morris	Ditto	240 0 0	Ditto.	
S. McDonnell	Ditto	290 0 0	Ditto.	
J. Finnie *	Lithographic printer	18s. per day	Ditto.	
G. Lusty *	Ditto	13s. "	Ditto.	
H. Lane	Assistant ditto	5s. "	Ditto.	
R. A. F. Murray †	Geological Surveyor	40s. "	Ditto.	
F. M. Krausé	Ditto	35s. "	Ditto.	
N. Taylor	Ditto	35s. "	Ditto.	
F. R. Ellis ‡	Warden's Clerk	£275 per annum	Ditto.	
W. R. Rundell	Assistant ditto	£150 "	Ditto.	
J. Anderson	Assistant ditto	£100 "	Ditto.	
J. C. Newbery	Analyst	£200 "	Ditto.	
Caleb Thomas §	Assistant Surveyor	£1 per day	Ditto.	

* Since re-employed.—† Mr. Murray was at one time a classified officer in the Geological Department, and received compensation when his services were dispensed with in the year 1868, which, however, he refunded when re-employed.—‡ Since re-employed in the Law Department.—§ Since reinstated.

MINING DEPARTMENT—*continued.*UNCLASSIFIED OFFICERS—*continued.*

Name.	Office.	Allowance per annum.	Compensation.	Remarks.
A. W. Howitt ... ..	...	£ s. d. 100 0 0	Not legally entitled to Compensation under the provisions of the Civil Service Act.	
F. McCoy	Palæontologist ...	150 0 0	Ditto.	
T. Cowan	Inspector of Mines...	200 0 0	Ditto	Still employed as Mining Surveyor.
R. M. Harvey	Ditto	50 0 0	Ditto	Ditto.
J. Lynch	Ditto	50 0 0	Ditto	Ditto.
J. Stevenson	Ditto	50 0 0	Ditto	Ditto.
R. Arrowsmith	Ditto	25 0 0	Ditto	Ditto.
D. O'Leary	Ditto	40 0 0	Ditto	Ditto.
J. Smith	Ditto	25 0 0	Ditto	Ditto.
T. L. Brown	Ditto	40 0 0	Ditto	Ditto.
M. Amos	Ditto	50 0 0	Ditto	Ditto.
H. Archdall	Ditto	25 0 0	Ditto	Ditto.
R. Nankivell	Ditto	25 0 0	Ditto	Ditto.
H. C. Bate	Ditto	50 0 0	Ditto	Ditto.
H. B. Nicholas	Ditto	300 0 0	Ditto.	
H. Davidson	Ditto	50 0 0	Ditto	Ditto.
J. F. O'Dwyer	Ditto	Paid only as Mining Surveyor	Ditto	Ditto.

VICTORIAN WATER SUPPLY BRANCH.

Name.	Office.	Salary.	Compensation.	Remarks.
G. Smellie	Engineering Clerk...	£400 per annum ...	Not legally entitled to Compensation under the provisions of the Civil Service Act	
J. B. Henderson	Assistant Engineer	£500 per annum and £180 ditto, travelling allowance	Ditto.	
W. H. Ackland*	Clerk	10s. per day ...	Ditto.	
A. E. Pearce	Ditto	5s. per day ...	Ditto.	
W. J. Bedford*	Ditto	6s. 6d. per day ...	Ditto.	
R. C. Carr	Ditto	£275 per annum ...	Ditto.	

* Since reinstated.

THOS. COUCHMAN,
Secretary for Mines.

VICTORIA.

DESPATCHES FROM THE SECRETARY OF STATE.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE H. CUTHBERT, AND ORDERED BY THE COUNCIL TO BE PRINTED, 28TH MARCH, 1878.

The Right Honorable the Secretary of State for the Colonies to His Excellency the Governor of Victoria.

SIR,

Downing street, 28th January 1878.

VICTORIA.
No. 13.

I have the honor to acknowledge the receipt of your Despatch No. 173 of the 26th of November, forwarding, with other documents, a copy of an Address which had been presented to you by the Legislative Council respecting the course which it was understood was about to be adopted by your Ministers in connection with the question of the payment of the Members of the Victorian Parliament.

I have to convey to you my approval of the action which you took upon this occasion.

I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G.,
&c., &c., &c.

(Signed) CARNARVON.

The Right Honorable the Secretary of State for the Colonies to His Excellency the Governor of Victoria.

SIR,

Downing street, 28th January 1878.

VICTORIA.
No. 12.

I have the honor to acknowledge the receipt of your Despatch No. 178 of the 28th November, informing me of the circumstances in which the Legislative Council of Victoria had thrown out a Bill, of which you enclose a copy, which had been introduced by your Ministers into the Legislative Assembly, having for its object to provide the sum required for the execution of the Defence Works recommended by Sir W. Jervois.

I trust that the differences which have unhappily arisen between the two Houses of the Legislature will not be allowed to interfere for any lengthened period with the performance of the duty generally recognised by the community, of providing the colony with an adequate system of defence.

I have, &c.,

Governor Sir G. F. Bowen, G.C.M.G.,
&c., &c., &c.

(Signed) CARNARVON.

The Right Honorable the Secretary of State for the Colonies to His Excellency the Governor of Victoria.

SIR,

Downing street, 15th February 1878.

VICTORIA.
No. 10.

My predecessor caused to be forwarded to the India Office a copy of your Despatch No. 161, of the 1st of November, containing additional information in respect of the contributions in Victoria towards the Indian Famine Relief Fund, and I have much pleasure in forwarding to you the accompanying copy of a letter which has been received in reply; and I request that you will take measures for making known to the Members of your Government, and to the inhabitants of the colony, the expression of thanks on the part of the Secretary of State for India which is now communicated to you.

I have, &c.

Governor Sir G. F. Bowen, G.C.M.G.,
&c., &c., &c.

(Signed) M. E. HICKS BEACH.

[Enclosure in Despatch No. 10 of 1878.]

(COPY.)

India Office to Colonial Office.

SIR,

India Office, 7th February 1878.

I am directed by the Secretary of State for India in Council to acknowledge the receipt of Mr. Meade's letter of the 29th December, enclosing copy of a Despatch from the Governor of Victoria,

in which it is stated that a sum of £19,000 has been transmitted to the Government of Madras by that colony as a contribution to the Famine Relief Fund.

2. In reply, I am desired to request that, with the permission of the Secretary of State for the Colonies, the cordial thanks of the Marquis of Salisbury may be expressed to the Government and to the inhabitants of the colony of Victoria for this munificent proof of the sympathy with which the distresses of the inhabitants of India are regarded by their fellow subjects in Australia.

To the Under Secretary of State,
Colonial Office.

I am, &c.,
(Signed) LOUIS MALLET.

The Right Honorable the Secretary of State for the Colonies to His Excellency the Governor of Victoria.

VICTORIA.
No. 7.

SIR,

Downing street, 15th February 1878.

I have the honor to acknowledge the receipt of your Despatch No. 199, of the 26th December, on the subject of the interruption of Parliamentary business resulting from the difference which has arisen on certain constitutional points between the two Houses of the Legislature. I have also received the telegrams, of which separate acknowledgments have been sent to you, and on the 9th instant I addressed to you a telegram, a copy of which is also separately transmitted.

I have perused with much attention the correspondence on this subject, including the previous Despatches addressed to you by my predecessor, in which you describe fully and clearly the earlier stages of the dispute. As I may expect to receive in a very few days the Memorandum of your Ministers, which you inform me has been despatched by way of San Francisco, I will not on the present occasion express any opinion on the merits of the case, but will now merely convey to you my approval of your efforts to maintain an impartial attitude, and to avoid interference with the responsibility of your Advisers.

Governor Sir G. F. Bowen, G.C.M.G.,
&c., &c., &c.

I have, &c.,
(Signed) M. E. HICKS BEACH.

 CASE AND OPINIONS ON CLAUSE 45 OF CONSTITUTION ACT.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
 THE HONORABLE F. T. SARGOOD.—4TH APRIL, 1878.

ORDERED BY THE COUNCIL TO BE PRINTED 4TH APRIL, 1878.

THE CONSTITUTION ACT, SECTION 45, AND THE AUDIT ACT.

COUNSEL is requested to consider and advise on the following questions:—

1. Is not the 45th section of the Constitution Act (19th Victoria) in effect a special appropriation of the amount of all the costs, charges, and expenses incident to the collection, management, and receipt of the revenue, such expenditure to be reviewed and audited as directed by the Legislature?

2. By the 22nd Victoria, cap. 86, section 11 (Audit Act), every collector of imposts or other person in the public service to whom any money shall be legally payable for or on account of the Consolidated Revenue, must pay all money which shall come to his possession to the Receiver of Revenue. By section 15 every receiver must pay all moneys into a bank to the public account. It is contended that up to this point there is no room for legally deducting the costs of collection. All money must be placed to the public account, and by section 24 all moneys paid to the public account shall be drawn from the said account in the following manner *only*, that is to say:—The Treasurer is to calculate what he wants, classifying and arranging it under the divisions and subdivisions employed in the appropriation thereof, and then the Commissioners are to certify. It is contended that without an Appropriation Act, or a vote applied by the Ways and Means Act, called here a "Supply Bill," the Treasurer cannot make the classification or arrangement in the required divisions and subdivisions. Counsel will please advise whether the 45th section of the Constitution Act is repealed by any of the provisions of the Audit Act, as it is submitted that they are inconsistent with and contrary to the Constitution Act, and generally thereon.

Opinion of Geo. H. F. Webb, Esq.

1. In my opinion the 45th section of the Constitution Act, being a charge upon the Consolidated Revenue of "all the costs, charges, and expenses incident to the collection, management, and receipt thereof," is in effect a special appropriation of the amount of such costs, charges, and expenses. By section 44 the gross revenue (*i.e.*, all taxes, &c., from whatever source arising) is to form "one consolidated revenue" to be appropriated "subject to the charges hereinafter mentioned." Section 45 makes one charge upon the Consolidated Revenue—the cost of collection. Section 46 directs payment out of the Consolidated Revenue of the Civil List enumerated in Schedule D. This is in effect another charge upon the Consolidated Revenue, although the word "charge" is not used. Then by section 55, "after and subject to the payments to be made under the provisions hereinbefore contained," all the Consolidated Revenue is made subject to be appropriated by the Legislature, and it is by this section expressly provided that the consolidation of the revenue shall not affect the payment of any sums theretofore "charged" upon the revenue, thus covering both the charge of the cost of collection by section 45 and the Civil List given by section 46. The Constitution Act was a matter of bargain or contract between the Crown and the colony, the Crown taking a Civil List, and in consideration of it giving up all its territorial and other revenues from whatever source. It was, therefore, only reasonable that, as the Civil List was to be paid out of the Consolidated Revenue, provision should be made for the cost of collecting that revenue without rendering it dependent upon the passing of an annual Appropriation Act. The cost of collection is thus, in my opinion, made a first charge upon the revenue collected, in this respect following what up to the 17th and 18th Victoria, cap. 94, was both the law and the practice in England as to the expenses of the collection of the Consolidated Revenue there. This was, in fact, the law in England at the time of the passing of the Constitution Bill in Victoria, which was reserved for the Royal Assent on the 25th March 1854, the 17th and 18th Victoria, cap. 94, not being passed until the 10th August 1854. A reference to Schedule B of this Act will show that the cost of collection and management of the revenue of the Customs, the Inland Revenue, and the Post Office was, under various Acts, charged upon the revenue of the Customs, the Inland Revenue, and the Post Office respectively, and these charges were independent of the control of Parliament, as is evident by the preamble of the Act and by section 1, which enacts that those charges shall cease to be so charged,

and shall be paid out of such Aids or Supplies as may be from time to time provided and appropriated by Parliament. The 45th section of the Constitution Act, in my opinion, constitutes a special appropriation equally with the 46th section, and by section 55 they are both equally made paramount to the power of appropriation by any subsequent Act of the Legislature. The same form of expression is used in section 4 of the Audit Act (No. 86), where the salaries of the Audit Commissioners are specially appropriated, viz., "such salaries shall be a charge upon and paid out of the Consolidated Revenue." To compare the three sections: Section 45 of the Constitution Act makes a "charge" without saying anything of payment; section 46 directs payment without calling it a charge; and section 4 of the Audit Act uses both expressions, "shall be a charge upon and paid out of." They are all three, in my opinion, the same in effect, and each constitutes a special appropriation.

2. If section 45 constitutes a special appropriation, I am of opinion that there is nothing in the Audit Act amounting to a repeal of it by implication. If so, there is equally a repeal by implication of section 46, granting the Civil List to the Crown; and the Audit Act, not having been reserved for Her Majesty's assent, as required by section 60, is wholly invalid and inoperative. The Consolidated Revenue spoken of in the Constitution Act and the Audit Act is, as I have already pointed out, the gross revenue received. By sections 11 and 15 of the Audit Act the entire of this is to be paid into the public account. Being there, it can only be got out again by a warrant under section 24. But if by reason of the necessity for inserting in the warrant "the divisions and subdivisions employed in the appropriation thereof," such warrant can only be drawn after an Appropriation Act or a Supply Bill has been passed, then the same necessity exists for inserting these particulars, whether the money is drawn for the cost of collection under section 45, for the Civil List under section 46, or for the payment of the salaries of the Audit Commissioners under section 4 of the Audit Act. This amounts to saying that the Audit Act, by implication, repealed all past special appropriations for the public service, and that no such special appropriation for the future could be of any avail unless made so as to show divisions and subdivisions in the same manner as is done upon the Estimates for the year and the annual Appropriation Act. This would only apply where the payment was for the public service, for where not for the public service the "purpose" may be stated in the warrant. A large part of the Civil List given by Schedule D is for the public service—certainly parts 1, 2, 3, and 4—and if the contention as to the effect of section 24 of the Audit Act be correct, this much, at all events, of the Civil List must have been repealed by implication also. The Act 17th and 18th Victoria, cap. 94, section 1, expressly repeals what up to that time had been a charge upon the revenue—*i.e.*, the cost of collection—by enacting that it "shall cease to be so charged and payable," but the Audit Act contains no analagous enactment. For the reasons above given, I am of opinion that there is no repeal by implication of the charge created by section 45 of the Constitution Act; or that if there is, then that the Audit Act is void for not having been reserved for the Royal Assent, and, for this reason, does not repeal the charge in question.

GEO. H. F. WEBB.

Temple Court, 19th March, 1878.

Opinion of the Hon. Sir Bryan O'Loughlen, Bart.

I am of opinion that the 45th section of the Constitution Act effects a special and preferent appropriation of the Consolidated Revenue of Victoria.

According to the 44th section of that Act, all the taxes and other public income of Victoria, from whatever source arising, are to form "one Consolidated Revenue, to be appropriated for the public service "of the colony of Victoria in the *manner and subject to the charges hereinafter mentioned.*"

Then the 45th section provides that "the Consolidated Revenue of Victoria shall be *permanently charged* with all the costs, charges, and expenses incident to the collection, management, and receipt "thereof."

So that while the 44th section says, as above, that "the Consolidated Revenue" is to be dealt with by the Victorian Legislature "*subject to the charges hereinafter mentioned,*" the first "*charge*" that is mentioned is in this 45th section—reasonably providing for and giving a preferent claim to the cost of the collection and management of that very revenue.

That, to my mind, is the first special appropriation or perhaps more correctly reservation under this Act. The next section, the 46th, appropriates a specific sum of £112,750 for certain purposes. Two or three succeeding sections go on to appropriate money for pensions. And then comes the 55th section, which provides "that *after and subject to the payments to be made under the provisions hereinafter contained*" (*evidently* the 45th and 46th sections) "and to any pensions now payable" (which are provided for in the 49th, 50th, 51st, and 52nd sections) balance is to be dealt with.

The first thing to be noticed is that *payments* are to be made under these provisions (45th and 46th) (and other than the pension sections) in liquidation of the identical *charges* mentioned in the 44th section.

Here then are three distinct special and preferent appropriations or reservations out of the Consolidated Revenue of Victoria.

There is first the appropriation for the costs, charges, and expenses incident to the collection, management, and receipt of revenue, which appropriation is not defined in amount, because at the time this Act was passed and previously when similar Acts were passed no estimate could be made as to what future revenue might be, or as to the cost of its collection. Therefore no sum is specified. The second appropriation is for a specific sum; and the third for pensions fixed in amounts but variable in its annual total by the number of individuals who might enjoy them.

These three appropriations or reservations are all referred to in the 44th section as "*the charges hereinafter mentioned*" to which the appropriation of the Consolidated Revenue by the Victorian Legislature is to be *subject*, and it is *after and subject to payments* under these several provisions according to the 55th section that this Legislature can appropriate the *balance*—in fact they have to be provided for out of that revenue before the balance can be dealt with.

A practice has sprung up of disregarding this 45th section and providing for all these costs, charges, and expenses in the annual Appropriation Act; but the question is not one of practice, but of legality; and I have no doubt that the legal course is to act in accordance with the 45th section.

It has been contended that the concluding words of the 45th section—"such expenditure to be reviewed and audited as directed by any Act of the Legislature"—refer to an annual Appropriation Act, which is the last Act of the session; but, in my opinion, they in themselves exclude any such interpretation, for the words refer evidently to a reviewal and audit (*after* the moneys had been expended) by the Auditor-General or other officers in the way *directed* by the Legislature, and *not* to any action of the Legislature itself reviewing or auditing expenditure—(and it may be here noted that the use of the word *expenses* in this section, combined with an audit, completely explodes the construction that this section creates a bare charge and is not an appropriating section).

In tracing the history of this section it will clearly appear that this is an appropriating section—making a special and preferent reservation—and that the audit is a procedure subsequent to the expenditure.

Under the 9th of George IV., cap. 83, section 27, produce of duties was to be applied as the Governor with the advice of his Legislative Council should appoint; but the application thereof was to be "*accounted for*" to the Crown as the English Treasury should appoint. It is thus perfectly clear that in A.D. 1828 the procedure was expenditure first and audit afterwards by a different body from the appropriating one.

The next Statute was the 5 & 6 Victoria, cap. 76 (A.D. 1842), which contains in its 26th section nearly the *ipsissima verba* of the 45th section of our Constitution Act, and thus runs:—

"And be it enacted that the said revenue of the Colony of New South Wales shall be permanently charged with all the costs, charges, and expenses incident to the collection, management, and receipt thereof; such costs, charges, and expenses being subject nevertheless to be *regulated and audited* in such manner as shall be *directed* by any *law* of the Governor and Legislative Council"—clearly showing that the intent was *that a law* might direct regulation and audit of such expenditure, but not that the Legislature should audit it itself by the Appropriation Act. And this is clearer from the 37th section of same Act, which directs specific appropriated sums to be *accounted for* to Her Majesty's Treasury in England; and that this "*regulation and audit*" has nothing to do with a New South Wales Appropriation Act is still more clear from the use of the word "*deductions*" in the 34th section, showing that local appropriation can only act on the balance after the reservations have been provided for. This 34th section is equivalent to our 44th, but in ours the word "*deductions*" has been left out.

The next Statute is the 13 & 14 Victoria, cap. 59, and of this Act, which constitutes Victoria a colony, the 15th section is conclusive. (Date 1850.) It is nearly the same as the quoted section (36th) of the 5 & 6 Victoria, cap. 76, but enacts that such costs and charges and expenses of duties of import and export are to be *regulated and audited* in such manner as shall be *directed by the English Treasury*, and those of all other branches of revenue which are subject to be *locally appropriated* to be *regulated and audited* in such manner as shall be *directed by local laws*.

This section is, in my opinion, historically conclusive, apart from the construction, which is manifest, in my opinion, on the face of the 44th, 45th, and 55th sections of our Act. I may also add that the 14th section of the 13 & 14 Vict., cap. 59, which is equivalent to our 44th, uses the words "*with the deductions and subject to the provisions herein contained,*" before it confers on the local Legislature the power of appropriating the *balance*.

We thus find historically that the Act of '28 provides for an audit apart from and subsequent to expenditure, and those of '42 and '50 made the costs and charges of collecting revenue, &c., a "*deduction,*" reservation, or preferent appropriation before the balance of revenue could be dealt with by the local Legislature, and further provides that these costs, &c., should be variously regulated and audited *either* by local laws or the English Treasury, which clearly excludes the contention that an Appropriation Act is intended in the concluding words of the 45th section, namely, "*to be reviewed and audited.*"

It has been further contended that the Audit Acts 21 Vict. No. 24 (now repealed), and 22 Vict. No. 86, have impliedly repealed the 45th section of the Constitution Act, A.D. 1855.

Now first as to the matter of fact. I cannot construe any section of the Audit Acts as negating, much less necessarily negating, the provisions of the 45th section.

The principle of repeal by implication is that the latter Statute is couched in *negative* terms, or where its matter is so clearly repugnant that it *necessarily* implies a *negative*. On the other hand, two *affirmative* Statutes whose substance is such that both may stand together shall have a concurrent efficacy.

In this case, in my opinion, the Constitution Act of 1855, and the existing Audit Act No. 86, are affirmative, and can both be read together and stand together.

The review and audit referred to in the 45th section might have been carried out under the 24th, 25th, 26th, 27th, and 28th sections of the repealed Audit Act No. 24, and now could apparently under the 31st, 32nd, 33rd, and 34th sections of the present Act No. 86, which provide for an audit report and surcharge on the Treasurer of any disallowed expenditure.

But it is alleged that the 15th and 24th sections of the Audit Act No. 86 are repugnant to the 45th section, more particularly as they create a banking account which is termed the "*Public Account*" (which is not to be confounded with Her Majesty's Exchequer, but is in reality the "*Consolidated Revenue Account,*" or, perhaps, more correctly the "*Consolidated Revenue of Victoria in the Public Account*").

All moneys have to be paid into this account by the 15th section of the Audit Act, and by the 24th have to be withdrawn on the Treasurer's warrant, countersigned by the Commissioners of Audit, and approved by the Governor.

Now this section is read in support of this contention down to the words "*appropriation thereof,*" entirely omitting the latter portion of the section. Now referring to the 44th section of the Constitution Act 1855, the meaning of the words "*Public service*" and the "*appropriation thereof*" is manifest. What can be appropriated by the local Legislature for the Public service goes under first portion of the 24th section of Audit Act and the first column of the Schedule form in number "*7*" schedule. What is not appropriated by the local Legislature, but is nevertheless payable out of the Consolidated Revenue of Victoria under the provisions of the Constitution Act (sections 45 to 54) is drawn for by the Treasurer under the words in that 24th section of the Audit Act "*or stating if not for the Public service the purpose,*" and the second column of the same Schedule form points out the place in the warrant to do so.

There is nothing, therefore, inconsistent with the 45th section in these sections of the Audit Act. All the Consolidated Revenue goes into the "Public Account," and when there is liable to the operation of the 45th as well as of the 46th, 49th, 50th, 51st, and 52nd sections of the Constitution Act. Thus to my mind there is no repugnancy between these Acts. Both are affirmative and both can stand. The case of the Conservators of the Thames *v.* Hall, 1 L.R.C.P., p. 419 (A.D. 1868), is in point. Mr. Justice Byles says, "The Court must be satisfied that the two enactments are *inconsistent before they can* from the language of the *later* imply a repeal of an *express prior enactment.*" Judge Keating says, "We are bound to satisfy ourselves that it is a necessary implication;" and Mr. Justice M. Smith, "The rule as laid down by Sir Orlando Bridgman in *Lyn v. Wyn* (*Bridgman's Judgments*, pp. 122-127) is that the law will not allow the exposition to revoke or alter by construction of general words any particular Statute when the words may have their proper operation without it."

I have come to the conclusion as a matter of fact and law that the 45th section is not impliedly repealed by the Audit Act; but I have left untouched, as unnecessary to be considered, two further questions:—

1. Whether the Audit Act could repeal it (the 45th section), taking into consideration the 4th section of 18 & 19 Victoria, cap. 55, or not?
2. Whether special powers to alter or vary or repeal an Act can be exercised without a specific declaration of intention so to exercise them or not?

The decision of either of these two questions in the negative is fatal to any power of repeal in the Audit Act, but on my construction of that Act as consistent with the Constitution Act it is needless to discuss them.

In conclusion, I have no hesitation in declaring my clear opinion to be—

1. That the 45th section reserves and appropriates the costs and expenses of collection and management *preferently* out of the Consolidated Revenue of Victoria to any other appropriation.
2. That the annual Appropriation Act is not the reviewal and audit referred to in the 45th section.
3. That the 45th section has not been repealed by implication by the 15th, 24th, or any other section of the Audit Act, and that the Public Account is liable to the Treasurer's warrant thereunder.

I append the opinions given by the then Law Officers—Messieurs Higinbotham and Michie, on the same subject partly—in September 1865, and have marked some passages as fortifying mine.

BRYAN O'LOGHLEN.

11th March 1878, 54 Temple Court, Melbourne.

Opinion of Hartley Williams, Esq.

I. By the 45th section of the Constitution Act the Consolidated Revenue is permanently charged with the expenses incident to its collection, management, and receipt; while, under section 44, the whole revenue is to be appropriated to the public service "in the manner and subject to the charges after mentioned," that is, subject to this charge amongst others. The effect of these sections is, in my opinion, that no part of the revenue can be lawfully appropriated by Parliament to any other purpose until the expenses of its collection, management, and receipt have been paid, or until provision has been made for their payment, and I think that the annual expenses ought to be discharged out of the annual receipts. I can see no objection to voting the amount in Committee of Supply and including it in the Appropriation Act; but, whether so included *or not*, the money will, in my opinion, be legally available for the payment of the expenses, &c., *whenever* the Ministers require it for that purpose. The Constitution Act expressly left it to future legislation to provide means by which the expenses of collection, management, &c., might be checked or controlled. Section 45 says that the expenses are subject to be reviewed and audited in such manner as shall be directed by any Act of the Legislature. No Act has *yet* been passed which creates any scheme of review; but the use of the word "review" in the 45th section imports, I think, that the Act of the Legislature thereby contemplated was one which would bring under reconsideration payments *already made* or provided for; and that, until such Act was passed, the Legislature would have no control whatever over the before-mentioned expenses. With reference to the 55th section of the Constitution Act it is, in my opinion, *immaterial* to the present question whether the word "payments" in that section includes only the specific sums mentioned in Schedule D, and by section 46 expressly made payable out of the Consolidated Revenue, or whether it embraces also the unascertained expenses referred to in section 45. If the word "payments" in section 55 includes expenses of collection, then by that section those expenses are payable out of the revenue "before" its appropriation to specific purposes. If the more restricted meaning is adopted, then we are driven back to section 44, which renders the appropriation subject to the charge.

II. I do not think any of the sections of the Audit Act, 22 Victoria No. 86, except section 4, affect my opinion as above expressed. Section 4 seems to me to afford a plain statutory confirmation of the view I have taken. It directs that each commissioner shall receive an annual salary of £1,000; which salary is to be "a charge upon *and paid out of* the Consolidated Revenue *after* and subject to *the payment and satisfaction* of all other sums which at the time of the passing of the former Audit Act "were by "law permanently charged thereon," referring unmistakably to the permanent charges created by the 45th section of the Constitution Act. In the former Audit Act, 21 Vic. No. 44, precisely similar language was used. Sections 15, 24 to 26 of the present Audit Act, to which sections my attention has been directed by the case, merely prescribe the manner in which the public moneys are to be paid into and paid out of the Treasury; but they do not touch the question whether the expenses of collecting and managing the revenue require to be appropriated by an Act of Parliament. These sections specify the persons who are to certify whether any moneys are legally available for the service or purpose for which they are designed, but they do not give any guide by which to determine whether the moneys are legally available or not, and it was evidently not intended that they should do so.

HARTLEY WILLIAMS.

73 Chancery lane, 19th March 1878.

Opinion of the Honorable the Attorney-General.

The Governor desires the opinion of the Attorney-General on the following questions :—

Looking to the Resolution recently adopted by the Legislative Assembly, viz. :—“That in accordance with the 45th section of the Constitution Statute, the costs, charges, and expenses incidental to the collection, management, and receipts of the Consolidated Revenue shall, during the present financial year, and no longer, be treated as a special appropriation” :—

1. Will it be lawful for the Commissioners of Audit to certify that the public money is legally available?
and—
2. For the Governor to sign the usual Warrants for its issue,
as proposed by the Resolution?

Unless the 45th section of the Constitution Act appropriates so much of the Consolidated Revenue as will cover the costs, charges, and expenses incident to its collection, management, and receipt, it can have no operation whatever. It must, however, be so interpreted as to give full effect to every word, and doing so, I think it all-sufficient in itself for the appropriation of the revenue to the purposes it specifically mentions.

I am therefore of opinion that it will not only be lawful, but a duty contemplated by this section for the Commissioners of Audit to certify that the public money is legally available for the purposes enumerated in the section under consideration, and that it will be lawful for the Governor to sign the usual Warrants for its issue.

Query 1.

Query 2.

ROBERT LE POER TRENCH,
Attorney-General.

11th March 1878.

Opinion of the Honorable Sir Bryan O'Loghlen, Bart.

I fully concur in the opinion of the Attorney-General; and without stating my reasons at length, I may state that the 44th and 55th sections clearly show that no other construction can be placed on the 45th section.

BRYAN O'LOGHLEN.

11th March 1878.

1877-8.

VICTORIA.

APPOINTMENTS BY THE PRESENT GOVERNMENT.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE N. FITZGERALD.—22ND JANUARY, 1878.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE H. CUTHBERT, 14TH MARCH, 1878, AND ORDERED BY THE COUNCIL TO BE PRINTED 9TH APRIL, 1878.

RETURN of all Appointments made by the present Government, with the Names, Date of Appointment, and Salary attached to each.

CHIEF SECRETARY'S DEPARTMENT.

Name.	Position.	Date of Appointment.	Salary.
		1877.	
*Anna Morrison	3rd class Warder, Ararat Asylum	28 May	£30
*Letitia Cross	Warder, Kew Asylum	28 "	26
*W. Cosgrave	" "	28 "	20s. per week.
*W. Dodd	Storeman and Assistant Cook, Ararat Asylum	28 "	£60
*Rose Cavanagh	Warder, Yarra Bend Asylum	28 "	26
G. Maxwell	Public Vaccinator, Skipton	28 "	Fees.
C. J. Steele (constable)	Keeper of Gaol, Kyneton	28 "	No salary.
H. O. Moore	Public Vaccinator, Walhalla	4 June	Fees.
S. Hodgson (constable)	Keeper of Gaol, Swan Hill	11 "	No salary.
*J. A. Wine	Dispenser, Kew Asylum	11 "	£150
Thos. Collingwood	Deputy Electoral Registrar, Alberton and Buln Buln Divisions	11 "	Fees.
G. B. Jenkins	Reader's Assistant, Legislative Council	11 "	25s. per week during session.
E. Colden, M.R.C.S.	Resident Medical Officer, Beechworth Asylum	18 "	£250
P. Smith (Resident Medical Officer)	Acting Superintendent, Yarra Bend Asylum, during Dr. Paley's absence on inspection duty	18 "	Nil.
P. Moran	Agricultural Instructor, Industrial and Reformatory Schools	18 "	7s. per diem.
R. D. Cole	Deputy Electoral Registrar, Mitta Mitta Division	18 "	Fees.
A. J. Farr	Public Vaccinator, Maldon, during Dr. Nield's leave of absence	18 "	"
Thos. Jeffrey	Messenger, Parliamentary Library	25 June	30s. per week.
C. Lamond	Electoral Registrar, Connewarre Divisions	25 "	£25
H. Sinclair	Electoral Registrar, Beveridge Divisions	25 "	25
C. H. Pearson, M.A.	Commissioner to inquire into Education Department	25 "	No salary fixed by his Commission.
E. C. Symonds (promotion)	2nd class Clerk, Audit Office	3 July	£500
R. H. Carter (promotion)	3rd class Clerk, Audit Office	3 "	375
E. Booth (promotion)	4th class Clerk, Audit Office	3 "	200
W. J. Kerrigan	5th class Clerk, Audit Office	3 "	80
F. H. Secretan (promotion)	Inspector of Police	3 "	250
*E. W. C. Sadlier	5th class Clerk, Audit Office	3 "	80
Jas. Kelly (promotion)	2nd class Warder, Yarra Bend Asylum	3 "	90

CHIEF SECRETARY'S DEPARTMENT—*continued.*

Name.	Position.	Date of Appointment.	Salary.			
A. Ellis	Deputy Electoral Registrar, Pyramid Creek and other divisions	1877. 3 July	Fees.			
Thos. Baker	Public Vaccinator, Queenscliff	9 "	"			
R. D. Pinnock	Public Vaccinator, Raglan, &c.	9 "	"			
T. Kelly	Deputy Electoral Registrar, Jamieson Division, &c.	9 "	"			
W. Caffin	Deputy Electoral Registrar, Mooroopna	9 "	"			
*W. Slator	Messenger, Beechworth Asylum	9 "	£36			
J. Archibald (promotion)	} Sub-Inspectors of Police	16 "	£255 each.			
W. G. Drought (promotion)						
J. N. Lerner (promotion)						
J. Babington (promotion)						
H. Baber (promotion)						
J. Toohey (promotion)	} Overseer, Penal and Gaols	16 "	£200			
J. Richards						
S. Ripper				Warder, Penal and Gaols	16 "	7s. 6d. temporary.
A. Kirwan				Warder, Kew Asylum	23 "	20s. per week.
J. Clarke				Electoral Registrar, Barrabool Divisions	23 "	£25
A. McDonald	Pubic Vaccinator, Sale	23 "	Fees.			
W. Dawes	Deputy Electoral Registrar, Alberton Divisions, &c.	30 "	"			
W. Poynton	Electoral Registrar, Lamplough Division	30 "	£25			
P. Fogarty	Deputy Electoral Registrar, Lamplough Division	30 "	Fees.			
B. B. Johnston	Deputy Electoral Registrar, Gisborne Division, &c.	30 July	"			
Hugh Lennon	} Commissioners to the Queensland Exhibition	2 Aug.	Nil.			
John Bunce						
*C. Lawler	Warder, Ararat Asylum	6 "	£30			
*Ellen Coughlan	" " " " " " " " " " " "	6 "	30			
*Jane Price	Warder, Kew	6 "	26			
W. P. A. Smith	Deputy Electoral Registrar, Rushworth Division, &c.	6 "	Fees.			
*Hannah Bell	Warder, Kew Asylum	6 "	£26			
*Mary A. Heffernan	" " " " " " " " " " " "	6 "	26			
Thos. H. Williams	Gas Engineer, Industrial Schools	13 "	10s. per diem.			
Jas. Munro	Trade Instructor, Industrial Schools	13 "	8s. "			
T. Thompson	" " " " " " " " " " " "	13 "	7s. 6d. "			
J. B. Kendall	Agricultural Instructor, Industrial Schools	13 "	7s. "			
H. Collins	" " " " " " " " " " " "	13 "	7s. "			
W. Seignior	" " " " " " " " " " " "	13 "	6s. "			
J. Anderson	Farm Laborer, Industrial Schools	13 "	6s. "			
T. Dobrey	" " " " " " " " " " " "	13 "	6s. "			
E. Marshall	" " " " " " " " " " " "	13 "	5s. "			
F. Deshon	Acting Resident Medical Officer, Yarra Bend Asylum	13 "	£400			
J. A. Kennison	" " " " " " " " " " " "	13 "	250			
Alex. Morrison	Acting Resident Medical Officer, Ararat Asylum	13 "	250			
Abraham Morrison	Farm Bailiff, Kew Asylum (for 12 months on probation)	13 "	120			
John Ramage	Deputy Electoral Registrar, Cranbourne Division, &c.	13 "	Fees.			
R. C. Montgomery	Deputy Electoral Registrar, North Hamilton Divisions	13 "	"			
W. Brown	Deputy Electoral Registrar, Heytesbury East Divisions	13 "	"			
W. S. Walker (transferred)	Clerk and Storekeeper, Ballarat Asylum	13 "	£180			
W. B. Atkinson (promotion)	4th class Clerk, Police Department	13 "	200			
*E. Welton	Cook, Yarra Bend Asylum	13 "	60			
W. Dodd (transferred)	Storeman, Ararat Asylum	13 "	60			
J. C. Duncan	Public Vaccinator, Bethanga	20 "	Fees.			
P. Smith	5th class Clerk, Police Department	20 "	£80			
Hannah Sheehan (promotion)	2nd class Warder, Ararat Asylum	20 "	36			
Mary Nolan (promotion)	" " " " " " " " " " " "	20 "	36			
A. Baldwin	Senior Head Warder, Ballarat Hospital for the Insane	27 "	200			
W. A. Moubray (promotion)	Assistant Head Warder, Yarra Bend	27 "	£150			
J. B. King (promotion)	Assistant Head Warder, Kew	27 "	150			
M. Burke	Warder, Kew	27 "	20s. per week.			
W. Stubbings	Cook, Ararat Asylum	27 "	£60			
J. L. Stormont	Inspector of Stock	27 "	240			
W. Poynton	Electoral Registrar, Glenpatrick Division	27 "	Nil.			
W. R. Peerless	Public Vaccinator, Healesville	27 "	Fees.			
J. Dennistoun	Public Vaccinator, Bacchus Marsh	3 Sept.	"			
J. T. Foote	Electoral Registrar, Ballan South	3 "	£25			
J. Haslam	Doorkeeper, Legislative Assembly	3 "	72s. per week.			
G. Anderson	" " " " " " " " " " " "	3 "	72s. "			

CHIEF SECRETARY'S DEPARTMENT—*continued.*

Name.	Position.	Date of Appointment.	Salary.
		1877.	
Mary J. Mackay ...	Warder, Kew Asylum ...	3 Sept.	£26
J. Coakley (promotion) ...	Senior Head Warder, Yarra Bend ...	3 "	200
W. Trumble ...	Senior Head Warder, Kew ...	3 "	200
W. T. Adams ...	Pupil-Assistant, Industrial and Technological Museum	3 "	50
*A. Morris ...	Messenger, Public Library ...	3 "	50
D. Lanigan ...	Warder, Penal and Gaols ...	3 "	7s. 6d. temporary.
E. Alexander ...	Warder, Ararat Gaol ...	10 "	5s. per diem.
H. Williams (promotion) ...	Acting Governor, Castlemaine Gaol, during Mr. Hyland's leave of absence	10 "	£250
J. Rolls ...	Warder, Castlemaine Gaol, during Mr. Hyland's leave of absence	10 "	8s. 6d. per diem.
H. Pinniger (promotion) ...	Governor, Ararat Gaol ...	10 "	£225
Kate R. Thompson ...	Warder, Beechworth Gaol ...	10 "	4s. 6d. per diem, temporary.
P. Connor ...	Warder, Yarra Bend Asylum...	10 "	20s. per week.
Margt. Boland ...	Matron, Ballarat Asylum ...	10 "	£90
Cath. Strahan (Laundress, Kew)	Warder, Yarra Bend ...	10 "	26
Sarah A. Westwood ...	Cook, Ballarat Asylum ...	10 "	50
H. Horrocks ...	{ Electoral Registrar, Tarrawingee Division Deputy Registrar, Wangaratta Division }	10 "	25
J. McCaffrey ...	Warder, Yarra Bend ...	10 "	20s. per week.
W. McFarlane, M.D. ...	Acting Health Officer for Port Phillip ...	11 Aug.	Temporarily.
D. Condon ...	Warder, Kew Asylum ...	17 Sept.	20s. per week.
Thos. Gilchrist ...	Warder, Penal and Gaols Department ...	17 "	7s. 6d., per diem, temporary.
W. Long ...	Warder, Kew Asylum ...	17 "	20s. per week.
D. S. Robinson ...	" " ...	17 "	20s. "
R. Oddy ...	" " ...	17 "	20s. "
Rose Mulhall ...	Laundress, Ballarat Asylum ...	17 "	£36
A. Allan ...	Warder, Ararat ...	17 "	20s. per week.
E. Rastrick ...	Public Vaccinator, Kerang ...	17 "	Fees.
F. Passey ...	Deputy Electoral Registrar, Charlton West Division, &c.	17 "	"
S. McGonigal ...	Deputy Electoral Registrar, Bayenna Division, &c.	17 "	"
Chas. Moore ...	Deputy Electoral Registrar, Yarrawonga Division, &c.	17 "	"
F. P. Deshon ...	Acting Medical Superintendent, Yarra Bend Asylum, during Dr. Paley's leave	17 "	—
C. H. Nicolson ...	Acting Chief Commissioner of Police, during Captain Standish's leave	24 "	—
A. F. Puttmann ...	Deputy Electoral Registrar, Buln Buln Division ...	24 "	Fees.
H. Pennington ...	Electoral Registrar, Caulfield Divisions ...	24 "	£25
P. Howe (promotion) ...	1st class Warder, Yarra Bend ...	24 "	120
J. Rafter (promotion) ...	2nd class Warder, Yarra Bend ...	24 "	90
Christina Manson ...	1st class Warder, Yarra Bend ...	24 "	50
H. Boyd ...	Public Vaccinator, Sandhurst...	24 "	Fees.
W. F. Poole ...	{ Deputy Electoral Registrar, Mansfield Divisions Deputy Registrar of Births and Deaths }	27 "	"
A. Payne ...	Doorkeeper, Legislative Assembly ...	27 "	72s. per week.
J. Eadie ...	Public Vaccinator, Sandhurst...	27 "	Fees.
W. A. Blinkhom ...	{ Electoral Registrar, Guildford Division Deputy Registrar of Births and Deaths }	27 "	£25 Fees.
W. J. Chalkley ...	Deputy Registrar of Births and Deaths, Yangery	27 "	"
W. Sefton ...	Deputy Registrar of Births and Deaths, Youarang	27 "	"
W. Brown ...	Deputy Registrar of Births and Deaths, Cobden...	27 "	"
P. O'Donnell ...	Officer for the purpose of celebrating Marriages, Kerang	27 "	—
A. H. Tomelty ...	Officer for the purpose of celebrating Marriages at Rheola	27 "	—
G. Louch ...	Officer for the purpose of celebrating Marriages at Benalla	27 "	—
J. Fletcher...	Deputy Registrar of Births and Deaths ...	27 "	Fees.
F. Haley ...	Public Vaccinator, Chiltern ...	1 Oct.	"
Letitia M. Pinniger ...	Warder, Ararat Gaol ...	1 "	4s. 6d. per diem.
J. Vallance ...	Acting Clerk, Beechworth Asylum, during Mr. Connor's leave	8 "	—
M. Niall ...	Acting Clerk, Kew Asylum, during Mr. Davis's leave	8 "	—

CHIEF SECRETARY'S DEPARTMENT—continued.

Name.	Position.	Date of Appointment.	Salary.
		1878.	
C. Gardiner	Deputy Electoral Registrar, Wangaratta Division	21 Jan.	Fees.
F. Date	Deputy Electoral Registrar, Moonambel ...	21 "	"
A. Fuller	Electoral Registrar, Rochester, &c. ...	21 "	£25
W. Thomas	Public Vaccinator, Clunes	21 "	Fees.
T. S. Smith	Deputy Registrar, Births and Deaths, Murchison...	21 "	"
Elizbth. A. Thompson ...	Deputy Registrar, Births and Deaths, Allan's Flat	21 "	"
Alice C. McDonald	Deputy Registrar, Births and Deaths, Bass ...	21 "	"
J. Y. Fishbourne	Acting Medical Superintendent, Kew Asylum, during Dr. Dick's absence	21 "	—
Mary Lloyd	Warder, Yarra Bend Asylum	21 "	£26
A. Cochran	Public Vaccinator, Woodend	21 "	Fees.
T. Flanagan	2nd class Warder, Ballarat Asylum (promotion) ...	21 "	£90
J. Ramsay	Ditto " "	21 "	65
R. Knaggs, J.P.	Returning Officer, West Melbourne	22 "	Nil.

* These officers were appointed by the *previous* Government and confirmed in office by the *present* Government.

W. H. ODGERS,
Under Secretary.

GOVERNMENT AUDITORS OF MUNICIPAL ACCOUNTS.

The Governor, with the advice of the Executive Council, in exercise of the power conferred by *The Local Government Act 1874* (38 Vict. No. 506, section 195), has by Order made on the 1st of October, 1877, appointed the gentlemen whose names are set opposite to those of the several cities, towns, boroughs, and shires in the subjoined list, to be the Government Auditors of the Municipal Accounts of such cities, towns, boroughs, and shires respectively for the year ending the 30th of September last, viz. :—

NOTE.—(B) signifies Borough; (C) City; (S) Shire; (T) Town.

Francis Findon Levett	{ Koroit (B), Portland (B), and Minhamite (S).	John Alfred Chalk ...	{ Buninyong (B), Ballarat East (T), Bungaree (S), and Buninyong (S).
Wm. Lawn	{ Portland (S), Dundas (S), Wannon (S), and Glenelg (S).	Alexr. Marshall ...	{ Ballarat (C), and Sebastopol (B).
A. E. Roffey	{ Daylesford (B), Ararat (S), Ripon (S), and Lexton (S).	Fredk. P. Hickox ...	{ Creswick (B), and Creswick (S).
Fredk. Lowe	{ Ararat (B), St. Arnaud (B), Stawell (B), Avoca (S), St. Arnaud (S), and Stawell (S).	G. H. St. Ellen ...	Clunes (B).
Charles Little	{ Ararat (B), St. Arnaud (B), Stawell (B), Avoca (S), St. Arnaud (S), and Stawell (S).	A. A. Broadfoot ...	{ Talbot (B), Tullaroop (S), and Talbot (S).
H. J. Bloomfield	{ Cowree (S), Lowan (S), and Wimmera (S).	Andrew Cross ...	{ Glenlyon (S), Mt. Franklin (S), Newstead (S), and Maldon (S).
G. Pender	{ Hampden (S), Mortlake (S), Colac (S).	Thomas Hannay ...	{ Dunolly (B), Bet Bet (S), Mt. Alexander (S), and Metcalfe (S).
J. A. Chalk	{ Ballarat (S), Smythesdale (B), Browns and Scarsdale (B)	W. A. Baragwanath ...	{ Inglewood (B), Tarnagulla (B), East Loddon (S), Korong (S), Swan Hill (S).
Edward Few	{ Grenville (S).	C. Tolstrupp ...	{ Castlemaine (B), Chewton (B), Malmsbury (B).
Victor Elkington	{ Queenscliffe (B), South Barwon (S), Barrabool (S), and Bellarine (S).	W. G. Blackham ...	{ Echuca (B), Heathcote (B), Echuca (S), Waranga (S), and Strathfieldsaye (S).
John Elkington	{ Bannockburn (S), Winchelsea (S), and Leigh (S).	J. B. Shepherdson ...	{ Kyneton (S), Newham (S), and Romsey (S).
	{ Steiglitz (B), Meredith (S), and Corio (S).		

CHIEF SECRETARY'S DEPARTMENT.—GOVERNMENT AUDITORS OF MUNICIPAL ACCOUNTS—*continued.*

NOTE.—(B) signifies Borough; (C) City; (S) Shire; (T) Town.

E. R. Gillingham	... { Eaglehawk (B), Raywood (B), Huntly (S).	John Trench	... { Walhalla (B), Sale (B), Alberton (S), and Rosedale (S).
Edward Morris	... Marong (S).		
E. J. Hartley	... Sandhurst (C).		
Denis Ryan	... { Bacchus Marsh (S), Bulla (S), Gisborne (S), Keilor (S), Melton (S), Ballan (S).	John Hedrick	... { Berwick (S), Cranbourne (S), Flinders and Kangerong (S), Mornington (S), and Phillip Island and Woolamai (S).
H. A. Bunn	... { Footscray (B), Williamstown (B), Braybrook (S), and Wyndham (S).	Walter Thompson	... { Brunswick (B), Broadmeadows (S), and Coburg (S).
Thos. Dickson	... { Hawthorne (B), Kew (B), Boroondara (S), Bulleen (S), Eltham (S), and Heidelberg (S).	Wm. Stronach	... { Fitzroy (T), Hotham (T), and Essendon and Flemington (B).
Wm. Cook	... { Broadford (S), Darebin (S), Jika (S), Merriang (S), and Whittlesea (S).	F. Peterson	... { Prahran (T), Brighton (B), St. Kilda (B).
Richard Creeth	... { Alexandra (S), Howqua (S), Mansfield (S), Seymour (S), and Yea (S).	A. Brown	... { Emerald Hill (T), and Sandridge (B).
Thos. Cockeran	... { Benalla (S), Goulburn (S), and Oxley (S).	John M. Murphy	... { Majorca (B), and Carisbrook (B).
H. R. Tilt	... { Wangaratta (B), Chiltern (S), and North Ovens (S).	W. S. Dowding	... Maryborough (B).
Chief Secretary's Office, Melbourne, 1st October, 1877.		John Smith, jun.	... { Caulfield (S), Dandenong (S), Moorabbin (S), and Oakleigh (S).
		J. G. Dare	... { Gardiner (S), Nunawading (S), and Lilydale (S).
		W. H. Carpenter	... { Geelong West (B), Newtown and Chilwell (B).
		GRAHAM BERRY,	Chief Secretary.

The Governor, with the advice of the Executive Council, in exercise of the power conferred by *The Local Government Act 1874* (38 Vict. No. 506, section 195), has, by Orders made on the 8th of October, 1877, appointed the gentlemen whose names are set opposite to those of the city, town, boroughs, and shires in the subjoined list to be the Government Auditors of the Municipal Accounts of such city, town, boroughs, and shires respectively for the year ending the 30th of September last, viz. :—

NOTE.—(B) signifies Borough; (C) City; (S) Shire; (T) Town.

Victor Elkington (<i>vice</i> H. J. Bloomfield)	{ Colac (S).	A. F. W. Saunders	... { Beechworth (S), Bright (S), Towong (S), Yackandandah (S).
H. J. Bloomfield (<i>vice</i> V. Elkington)	{ Winchelsea (S).	William Webster	... { Collingwood (C), Richmond (T).
Charles Gadd	... { Avon (S), Bairnsdale (S), Maffra (S), Omeo (S).	George H. Tulloh (<i>vice</i> E. Atkinson)	{ Hamilton (B), Mount Rouse (S).
8th October, 1877.			

The Governor, with the advice of the Executive Council, in exercise of the power conferred by *The Local Government Act 1874* (38 Vict. No. 506, section 195), has, by Orders made on the 15th of October 1877, appointed the gentlemen whose names are set opposite to those of the boroughs and shires in the subjoined list to be the Government Auditors of the Municipal Accounts of such boroughs and shires respectively for the year ending the 30th of September last, viz. :—

NOTE.—(B) signifies Borough; (S) Shire.

Robert Gosney (<i>vice</i> C. H. Emery)	{ Belfast (B), Belfast (S).	John M. Murphy	... { Rutherglen (B), Rutherglen (S), Wodonga (S).
Charles H. Emery	... { Warrnambool (B), Warrnambool (S).	R. Hicks (<i>vice</i> R. Creeth)	{ Alexandra (S), Howqua (S), Mansfield (S), Seymour (S), Yea (S).
M. Fitzpatrick	... { Kilmore (S), Pyalong (S), Springfield (S).		
W. S. Dowding	... { Graytown (B), McIvor (S).		

Chief Secretary's Office,
Melbourne, 15th October, 1877.

GRAHAM BERRY,
Chief Secretary.

EDUCATION DEPARTMENT.

Name.	Date of Appointment.	Salary.	Remarks.
<i>Temporary Clerks.</i>			
A. B. C. McDonnell	30/5/77	£80	
S. Bowden	1/7/77	10s. per diem.	
T. B. Waters	5/7/77	£2 per week.	
F. Reddin	11/7/77	10s. per diem.	
W. B. Loughran	23/7/77	10s. per diem	Resigned 31/1/78.
P. S. McDonnell	8/8/77	£80	
C. E. Cutten	23/8/77	10s. per diem	Employment ceased 18/10/77.
W. C. Lonergan	23/8/77	10s. per diem	Employment ceased 31/10/77.
R. Gibbs	23/8/77	10s. per diem.	
J. M. Dwyer	19/9/77	10s. per diem.	
M. O'Reilly	20/9/77	10s. per diem	Employment ceased 5/11/77.
J. Edwards	19/10/77	10s. per diem	Employment ceased 20/10/77.
M. D. Wilson	16/11/77	10s. per diem	Employment ceased 22/11/77.
G. Stanway	21/11/77	10s. per diem.	
T. Burton	8/1/78	10s. per diem.	
W. A. D. A. Burke	9/1/78	10s. per diem.	
<i>Messengers.</i>			
W. Williams	22/6/77	£100	
F. Nicholas	26/6/77	15s. per week.	
<i>Truant Officers.</i>			
R. B. Sibley	8/6/77	10s. per diem.	
R. Garibaldi	13/8/77	10s. per diem.	
C. Scott	15/10/77	10s. per diem.	
A. Currey	23/10/77	10s. per diem.	
<i>Building Branch.</i>			
E. Poulton	6/6/77	£4 per week	Services dispensed with 30/11/77.
J. Bam	18/6/77	£4 per week	Services dispensed with 4/8/77.
T. Chidlow	20/6/77	£3 10s. per week	Services dispensed with 5/8/77.
J. Ford	1/8/77	£4 per week.	
R. Coney	6/8/77	£4 per week	Services dispensed with 8/12/77.
H. Fraser	13/9/77	£4 per week.	
G. Seamark	17/9/77	£4 per week.	
J. Daniel	21/11/77	£40 per annum.	
C. A. Sherard	1/12/77	£40 per annum.	
W. R. Cooper	17/12/77	£4 per week.	
Jno. Young	17/12/77	£3 per week	Resigned 2/1/78.
W. Butterworth	19/12/77	10s. per week.	
<i>Drawing Master.</i>			
L. E. Bruun	1/12/77	£80	Dismissed 31/1/78.

Education Department,
14th March, 1878.

ARCHIBALD GILCHRIST,
Acting Secretary.

DEPARTMENT OF THE ATTORNEY-GENERAL.

Name.	Date of Appointment.	Salary.	Remarks.
Caffin, W.	9th July 1877	Nil	Paid by fees.
McNamara, M.	9th " "	"	"
Thompson, W. R.	9th " "	"	"
Sinclair, H.	9th " "	"	"
McIntyre, H.	9th " "	"	"
Forster, J. C.	9th " "	"	"
Kelly, J.	16th July 1877	"	"
Rogers, A. P.	16th " "	£40—£80*	A probationer, subsequently classified.
Irwin, W.	26th " "	Nil	Paid by fees.
Whitehead, E. L.	26th " "	£150	
Cunningham, C. J. N.	30th " "	Nil	Paid by fees.
Jack, A.	13th August 1877	"	"
Clark, J.	13th " "	"	"
Richter, A. E. P.	13th " "	£40—£80	A probationer, subsequently classified.
Clarke, W. D.	20th " "	Nil	Paid by fees.
Mays, H. J.	3rd Sept. 1877	£200	
Bartlett, S.	24th " "	£170	
Fowler, A. H. E.	24th " "	£40—£80*	A probationer, subsequently classified.

* These officers were appointed probationers by the previous Government, and the appointments are the result of such probation only.

Crown Law Offices,
Melbourne, 25th February, 1878.

B. C. HARRIMAN,
Secretary to the Law Department.

DEPARTMENT OF THE MINISTER OF JUSTICE.

Name.	Date of Appointment.	Salary.	Remarks.
Rigby, G. O. ...	28th May 1877	Nil	Paid by fees.
Liebschwager, C. ...	25th " "	"	"
McGrath, D. ...	25th " "	Allowance £25.	"
Dicker, C. ...	16th July 1877	Nil	Paid by fees.
Nolan, J. ...	16th " "	Allowance £20.	"
Alston, N. H. ...	16th " "	Nil	Paid by fees.
Little, Thos. ...	23rd " "	"	"
Tuck, John ...	23rd " "	"	"
Webster, J. D. ...	6th August 1877	Allowance not fixed.	"
Dwyer, J. D. ...	13th " "	£40—£80	A probationer, subsequently classified.
West, W. T. ...	13th " "	Nil	Paid by fees.
Morrison, G. C. ...	20th " "	£40—£80*	A probationer, subsequently classified.
Ellis, T. ...	3rd Sept. 1877	Allowance £35.	"
McDonald, H. ...	3rd " "	Nil	Paid by fees.
Horrocks, H. ...	10th " "	Allowance £50.	"
James, H. ...	10th " "	Nil	Paid by fees.
Parkinson, T. H. ...	17th " "	"	"
Mulcahy, C. ...	17th " "	"	"
Cotter, F. H. D. ...	1st Nov. 1877	Allowance 25s. a visit—expenses.	"
Bailey, J. ...	26th " "	Nil	Paid by fees.
Rigby, T. R. ...	26th " "	Allowance £25.	"
Rennie, E. C. ...	26th " "	Allowance £40.	"
Anderson, T. ...	17th Dec. 1877	Nil	Paid by fees.

* This officer was appointed a probationer by the previous Government, and this appointment in August is consequent on that probation.

Crown Law Offices,
Melbourne, 25th February, 1878.

B. C. HARRIMAN,
Secretary to the Law Department.

TREASURY.

Name.	Office.	Salary or Allowance.	Date of Order in Council making Appointment.	
Bull, C. F. ...	Clerk, 5th class ...	£ s. d. 80 0 0	1877. 11 June	On probation from 1st March, 1877.
Jackson, G. E. ...	Paymaster, Woods Point	[Allowance 20 0 0	18 June	Is also Postmaster.
Duncan, A. G. ...	Clerk (temporary) ...	80 0 0	18 June	
Mandeville, C. T. ...	Officer Commanding H.M.V.S. <i>Cerberus</i> ...	500 0 0	Commenced employment, 1 June. 9 July.	
Tandy, G. P. ...	Lieutenant, H.M.V.S. <i>Cerberus</i> ...	400 0 0	17 Dec.	Appointment dates from 1st July, 1877.
Sub.-Lieut. Heathcote	Lieutenant, Naval Forces ...	182 10 0	9 July.	
Falconbridge, J. ...	Acting Receiver and Paymaster, Port Albert	Nil	30 July	Is also Collector of Customs.
Sub.-Lieut. Dennis ...	Lieutenant, Naval Forces ...	30 0 0	30 July.	
Stalker, J. L. ...	Acting Sub-Lieutenant, Naval Reserve ...	20 0 0	30 July.	
Rice, W. ...	Compositors attached to Government Printing office, placed on 3rd Schedule Civil Service Act	Wages per week, 3 10 0 (each)	2 Aug.	
Anderson, T. E. ...				
Hall, C. ...				
Heath, Geo. ...				
Berry, N. H. ...				
Outtrim, E. S. ...	Receiver and Paymaster, Bright ...	Nil	6 Aug.	
Bastow, G. F. ...	Clerk (unclassified) ...	160 0 0	Appointed by Treasurer, 8 Aug.	
Kentish, Mary ...	Issuer of Miners' Rights, &c., Tarnagulla	10 0 0	6 Aug.	
Foster, J. C. ...	Issuer of Miners' Rights, &c., Bethanga ...	Nil	20 Aug.	
Ferguson, D. ...	Receiver and Paymaster, Wodonga ...	50 0 0	8 Oct.	
Perry, Geo. ...	Issuer of Miners' Rights, &c., Staffordshire Reef	Nil	5 Nov.	
Collins, T. ...	Gunner, Naval Reserve ...	18 0 0	5 Nov.	
Relph, A. J. ...	Clerk, 5th class ...	80 0 0	12 Nov.	
Kaighin, T. C. ...	Issuer of Miners' Rights, &c., Wandiligong	Nil	12 Nov.	
Hall, A. G. A. (book-binder in Government Printing office)	Officer of 3rd Schedule of Civil Service Act	3 10 0	12 Nov.	

TREASURY—continued.

Name.	Office.	Salary or Allowance.	Date of Order in Council making Appointment.
Appointed to be officers of 3rd Schedule Civil Service Act:—		£ s. d.	1877.
Page, W.	Employés in the Government Printing office	£3 10s. per week	26 November.
Kemp, Jas.			
Harrison, L. H.			
Skeeles, R. H. R.			
Fenton, W.			
Denby, W.			
Porritt, E. G.			
Marshall, W. T.			
Edwards, W. G.			
Grosse, F.				£2 15s. per week	5 Nov. 1878.
Whelan, J. J.	£400 per annum		
Scott, J. ...	Acting Sub-Lieutenant, Naval Reserve ...	£3 10s. per week	1 Jan.
Nicholson, T. ...	Clerk, unclassified ...	20 0 0	7 Jan.
McDonald, S. ...	Receiver and Paymaster, Shepparton ...	80 0 0	Is also Acting Clerk of Petty Sessions.
		Nil	

7th March, 1878.

E. S. SYMONDS.

DEPARTMENT OF LANDS, SURVEY, AND AGRICULTURE.

Name.	Position.	Date of Appointment.	Salary.	Remarks.
Dudley, J. ...	Chemical Superintendent, &c.	1877. 1 Dec.	£ s. d. 325 0 0	This is only a temporary appointment during the time Mr. Ivey is performing the duty of classifier under The Land Tax Act. Prior to this date Mr. Dudley was a Caretaker of a State Forest.
Howitz, D. ...	Superintendent of State Forest Plantations	21 Aug.	300 0 0	Previously employed as a temporary Draftsman in Crown Lands Office.
Croker, H. J. ...	Supernumerary Draftsman ...	17 Aug.	156 10 0	New appointment.
Thomas, Jos. ...	Supernumerary Draftsman ...	6 Nov.	150 0 0	Re-appointment.
Fitzjohn, James ...	Crown Lands Bailiff ...	1 Dec.	*150 0 0	Vice Mr. Dudley.
Gordon, G. S. ...	Supernumerary Draftsman ...	26 July	150 0 0	Re-appointment.
Swan, W. J. ...	Supernumerary Clerk ...	4 Dec.	130 0 0	Vice E. M. Daniels, resigned.
Garland, M. ...	Crown Lands Bailiff ...	20 Aug.	*120 0 0	Vice W. Tarleton, dispensed with.
Rathborne, J. ...	Crown Lands Bailiff ...	1 Sept.	*120 0 0	Vice A. Cathie, dispensed with.
Robin, J. ...	Supernumerary Clerk ...	5 Nov.	120 0 0	Vice B. Gaunson, transferred to Land Tax Office.
Anderson, W. P. ...	Supernumerary Clerk ...	19 Sept.	120 0 0	Vice G. E. Alexander, resigned.
Rogerson, W. P. ...	Supernumerary Draftsman ...	12 Nov.	110 0 0	New appointment.
Jenkins, W. S. ...	Supernumerary Clerk ...	16 Oct.	100 0 0	New appointment.
Wood, C. F. ...	Supernumerary Draftsman ...	1878. 2 Jan.	100 0 0	New appointment.
Bride, B. ...	Park-keeper ...	1 Sept.	100 0 0	Vice J. O. Ridge, deceased.
Larnach, R. J. ...	Supernumerary Clerk ...	22 "	96 0 0	New appointment.
Meikle, D. ...	Supernumerary Draftsman ...	26 June	84 0 0	New appointment.
Campbell, F. W. ...	Supernumerary Clerk ...	4 "	80 0 0	Vice G. Tuckwell, resigned.
Merson, J. D. ...	Supernumerary Clerk ...	6 "	80 0 0	Vice H. C. Malcolm, transferred to Drafting Branch.
Jenkins, C. W. ...	Supernumerary Clerk ...	23 Sept.	80 0 0	Vice A. P. Smith, dispensed with.
Coffee, F. R. ...	Supernumerary Draftsman ...	15 Aug.	75 0 0	New appointment.
Illman, G. ...	Supernumerary Lithographer ...	10 Oct.	70 0 0	Vice W. H. Hamilton, resigned.
Dunn, J. E. ...	Supernumerary Clerk ...	13 June	40 0 0	Vice Shillinglaw, resigned.
Kennedy, G. D. ...	Caretaker ...	1 Sept.	50 0 0	New appointment.
Allan, H. O. ...	Supernumerary Clerk ...	27 Aug.	40 0 0	New appointment.
Nathan, A. ...	Supernumerary Clerk ...	15 Nov.	40 0 0	Vice E. H. Lenny, dismissed.

* With an allowance of £110 per annum for Forage, &c.

Department of Lands and Survey,
Melbourne, 11th February, 1878.FRANCIS LONGMORE,
Commissioner of Crown Lands and Survey.

PUBLIC WORKS DEPARTMENT.

Name.	Office.	Date of Appointment.	Annual Salary.
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No appointments of Classified Officers have been made in the period.

TEMPORARY AND UNCLASSIFIED OFFICERS.

				£	s.	d.	
John Griffiths	...	Inspector of Works	...	16 July, 1877	260	0	0
William Neale	...	Mechanic in charge of New Public Offices	...	26 Nov., 1877	208	0	0
G. A. Badger	...	Draftsman, Parliament Houses	...	12 "	364	0	0
J. B. Cohen	...	Draftsman, General Work	...	12 "	312	0	0
Robert Roberts	...	Draftsman, Parliament Houses	...	12 "	182	0	0
J. A. Doolan	...	Draftsman, General Work	...	12 "	156	0	0
James Welsh	...	Draftsman, General Work	...	12 "	104	0	0
E. H. Tate	...	Junior Clerk...	...	13 Dec., 1877	65	0	0
Andrew Young	...	Clerk Roads and Bridges	...	12 Nov., 1877	150	0	0

Public Works Office,
7th February, 1878.

CHAS. LE CREN,
Acting Secretary.

DEPARTMENT OF TRADE AND CUSTOMS.—No. I.

RETURN of all New Appointments made by the present Government in the Department of Trade and Customs, with the Names, Dates of Appointment, and Salary attached to each office, from 22nd May, 1877, to 5th March, 1878.

Date of Appointment.	Name, &c.	Office.	Salary.	Remarks.
1877. 18 June	Douglas Elder	Acting Superintendent of the Alfred Graving Dock, also Acting Marine Surveyor, &c., &c., &c.	£30 p month	During Mr. Birnie's absence on sick leave.
17 July	W. P. Power	Extra Clerk, Customs, Melbourne	£3 p week	Vice C. Macdonald, transferred to Cowana.
13 Aug.	Thomas Birmingham	Extra Clerk, Customs, Melbourne	£1 p week	Vice W. P. Power, transferred to Echuca.
27 Aug.	W. L. Stillman	Extra Clerk, Commissioner's Office	£210s. p week	Preparing Returns for Parliament, and in place of a classified officer absent from illness and since dispensed with.
17 Oct.	R. D. Espinasse	Surveyor under Part V of the "Passengers, Harbors, and Navigation Statute of 1865," for Melbourne and Sandridge	£200 p annum	Vice R. Fullarton, transferred to Harbor Trust, &c., &c.
22 Oct.	Jas. Flint	To carry out portion of Part II of the "Passengers, Harbors, and Navigation Statute 1865" relating to management of Public Wharfs, at La Trobe Wharf, Sale	£20 p annum.	
25 Oct.	R. F. Talbot	Sub-Inspector of Distilleries	£150 p annum	On probation from 13th June. Appointment rendered necessary by opening of new distillery.
10 Nov.	J. Thomas	Acting Weigher, Echuca	£2 10s. p week	Vice W. P. Power, deceased.
17 Dec. 1878.	A. Willey	Acting Weigher, Wodonga	£2 10s. p week	Vice J. Flynn, transferred to Cowana.
28 Jan.	F. W. A. Babb	Laborer at New Powder Magazine, Footscray	7s. 6d. p diem	New Magazine opened.
13 Feb.	F. D. Lacy	Officer in charge of Old Powder Magazine, Footscray	10s. p diem	Vice J. R. Keays, transferred to New Powder Magazine; the Old Magazine being kept open for storage of dynamite.

Department of Trade and Customs,
Melbourne, 5th March, 1878.

J. CHATFIELD TYLER,
Assistant Commissioner of Trade and Customs.

DEPARTMENT OF TRADE AND CUSTOMS.—No. II.

RETURN of all Appointments (other than those mentioned in Return No. I), being ordinary changes, transfers, and promotions made by the present Government in the Department of Trade and Customs, with the Names, Dates of Appointments, and Salary attached to each office, from 22nd May, 1877, to 5th March, 1878.

Date of Appointment.	Name, &c.	Office.	Salary.	Remarks.
1877. 4 June	W. E. Wannop (Officer in charge of Railway Wharf, Echuca)	To carry out and enforce Part II of the "Passengers, Harbors, and Navigation Statute 1865," and the Port and Harbor Rules, &c., at the Railway Wharf, Echuca	Nil	Vice Patterson removed.
4 June	A. R. Pleace (Harbor Master, Geelong)	Harbor Master, Geelong, 3rd Schedule	£275	Captain Pleace having become insolvent, his office was forfeited under the "Civil Service Act." Re-instated as from 4th May, 1877.
4 June	R. Perry (Inspector of Stock) ...	Acting Officer of Customs, Tocumwall	Nil	During Mr. Byrne's leave of absence.
18 June	John Welsh (Police Constable) ...	Acting Officer of Customs, Edenhope	£20	Vice Bracken removed.
18 June	Alfred Rouvray (Clerk on probation)	Clerk in Distilleries, &c. (5th class) ...	£80	On probation from 26th February, 1877.
3 July	George Pentland (Acting Inspector of Stock)	Acting Officer of Customs, Swan Hill	Nil	During Mr. Corney's absence on sick leave.
4 July	E. Darcy (late of Police) ...	Sub-Inspector of Distilleries ...	£150	Transferred from Police Force.
16 July	A. R. Pleace (Harbor Master, Geelong)	Assistant Inspector of Fisheries ...	Nil	Vice Sergeant Toohy resigned.
23 July	W. H. McWilliam (Inspector of Stock)	Officer of Customs, Delegete ...	£20	Vice Roycroft deceased.
30 July	Geo. Tapp (Keeper of the Lighthouse, Gabo Island, at £200)	Keeper of the Lighthouse, Cape Schanck, 3rd Schedule	£200	Vice Bowie superannuated.
30 July	Thomas Musgrave (Keeper of the Lighthouse, Wilson's Promontory, at £180)	Keeper of the Lighthouse, Gabo Island, 3rd Schedule	£200	Vice Tapp transferred.
30 July	Patrick Fanning (Assistant Lighthouse Keeper, Shortland's Bluff, at 7s. per diem)	Keeper of the Lighthouse, Wilson's Promontory, 3rd Schedule	£180	Vice Musgrave transferred.
30 July	Henry White (Boatman at Williamstown, at 7s. 6d. per diem)	Assistant Lighthouse Keeper, Shortland's Bluff, 3rd Schedule	7s. per diem	Vice Fanning promoted.
30 July	Thomas McGowan (Quarter Master S.S. Victoria)	Boatman at Williamstown, 3rd Schedule	7s. 6d. per diem	Vice White transferred.
30 July	J. Revell (in Police) ...	Officer of Customs at Lawloit ...	£20.	
13 Aug.	W. P. Power (extra Clerk) ...	Acting Weigher, Customs, Echuca ...	£2 10s per week	Died 23rd October.
20 Aug.	J. Falconbridge (Inspector of Distilleries)	Acting Collector of Customs, Acting Assistant Immigration Officer, &c., &c., Port Albert	£2 2s. per week in addition to salary as Inspector of Distilleries	Vice Branford on sick leave, and afterwards superannuated.
20 Aug.	E. Elliget (Inspector of Stock) ...	Officer of Customs at Penola ...	Nil	Paid as Inspector of Stock.
20 Aug.	H. McKenzie (Inspector of Stock) ...	Officer of Customs at Willis ...	Nil	Ditto.
20 Aug.	W. E. Montgomery (Inspector of Stock)	Officer of Customs at Apsley ...	Nil	Ditto.
20 Aug.	Edward Crilly (in Police) ...	Officer of Customs at Yarrowonga ...	Nil	Paid by Police.
20 Aug.	Cornelius Ryan (in Police) ...	Officer of Customs at Yarrowonga ...	Nil	Ditto.
23 Aug.	J. Flynn (Kew Lunatic Asylum) ...	Acting Weigher, Customs, Wodonga...	£2 10s. per week	Transferred from Kew Lunatic Asylum.
27 Aug.	W. Spurling (Inspector of Stock) ...	Acting Officer of Customs, Narung ...	£20	Vice Bruce dispensed with.
31 Aug.	W. H. McEachern (Inspector of Stock)	Officer of Customs at Wahgunyah ...	£20	Vice Cobham transferred.
31 Aug.	J. L. Stormont (Inspector of Stock)...	Officer of Customs at Delegete ...	£20	Vice McWilliam transferred.
31 Aug.	W. H. McWilliam (Inspector of Stock)	Officer of Customs at Penola ...	Nil	Paid as Inspector of Stock.
31 Aug.	E. Byrne (Inspector of Stock) ...	Officer of Customs at Swan Hill ...	£20	Vice Corney transferred.
31 Aug.	R. Pennefather (Inspector of Stock)...	Officer of Customs at Tocumwall ...	£20	Vice Byrne transferred.
31 Aug.	J. F. Corney (Inspector of Stock) ...	Officer of Customs at Narung ...	£20	Vice Spurling transferred.
3 Sept.	W. McMullen (Clerk on probation) ...	Clerk, Customs, at Geelong (5th class)	£80	On probation from 22nd February, 1877, in place of a 4th class Clerk deceased.
24 Sept.	A. J. Campbell (Weigher, Melbourne)	Acting Coastwaiter at Cowana ...	Allowance £2 2s. per week additional	Vice McDonald suspended.
1 Oct.	C. H. Wheatland (Clerk, Treasury) ...	Acting Collector of Customs, Portland	Nil	During Mr. Treacy's absence on leave.
22 Oct.	James Leake (Station Master, Chiltern)	Officer of Customs at Chiltern ...	£10	Vice Maude transferred.
22 Oct.	H. S. Palmer (Superintendent of Police)	Inspector of Distilleries ...	Nil	Paid as Officer of Police.
22 Oct.	Joseph Archibald (Sub-Inspector of Police)	Ditto ...	Nil	Ditto.
22 Oct.	W. G. Drought (Sub-Inspector of Police)	Ditto ...	Nil	Ditto.
22 Oct.	J. N. Larner (Sub-Inspector of Police)	Ditto ...	Nil	Ditto.
22 Oct.	J. Babington (Sub-Inspector of Police)	Ditto ...	Nil	Ditto.
22 Oct.	H. Baber, (Sub-Inspector of Police) ...	Ditto ...	Nil	Ditto.
22 Oct.	J. Toohy (Sub-Inspector of Police)...	Inspector of Disilleries ...	Nil	Ditto.
12 Nov.	J. W. Langford ...	Assistant Inspector of Fisheries ...	Nil.	
12 Nov.	James Long (Messenger on probation)	Messenger in Customs, Warrnambool, 3rd Schedule	12s. 6d. per week	On probation from 23rd May, 1876.
19 Nov.	E. E. Graves (in Police) ...	Officer of Customs at Dartmoor ...	£20	
19 Nov.	S. W. Bennett (in Police) ...	To carry out portion of Part II of the "Passengers, Harbors, and Navigation Statute 1865" relating to management of Public Wharfs at Dromana	Nil	Paid by Police.

DEPARTMENT OF TRADE AND CUSTOMS.—No. II.—continued.

Date of Appointment.	Name, &c.	Office.	Salary.	Remarks.
1877. 19 Nov.	F. W. Howden (Chief Clerk, Customs, Melbourne)	Collector of Imposts, and to sign all Revenue Statements and Salary Accounts for the Treasury	Nil	During Mr. Guthrie's leave of absence.
10 Dec.	J. Flynn (Acting Weigher, Wodonga, £2 10s.)	Coastwaiter at Cowana, 3rd Schedule	£3 per week and £1 ls. per week allowance	Vice Campbell returned to Melbourne as Weigher.
10 Dec.	W. Andrews	Acting Receiver at Castlemaine of Duties chargeable on Spirits distilled within the colony of Victoria, &c.	Nil	During the absence on leave of Mr. Green.
17 Dec.	C. K. Smith (Engineer, Dockyard) ..	Acting Engineer, Surveyor, and Examiner of Engineers, &c., &c.	Nil	During the absence on leave of Mr. A. Wilson.
17 Dec.	J. Thomas (Senior Boatman, Port Albert, at 8s. 6d.)	Mate of West Channel Light Vessel, 3rd Schedule	£140	Vice Hanby transferred.
17 Dec.	T. Hocking (Boatman, Port Albert, at 7s. 6d.)	Seaman, West Channel Light Vessel, 3rd Schedule	7s. 6d. per diem	Vice Thomson transferred.
17 Dec.	John Hanby (Mate West Channel Lightship, at £140)	Senior Boatman at Port Albert, 3rd Schedule	8s. 6d. per diem	Vice Thomas transferred.
17 Dec.	John Thomson (Seaman, West Channel, at 7s. 6d.)	Boatman, Port Albert, 3rd Schedule...	7s. 6d. per diem	Vice Hocking transferred.
1878. 7 Jan.	W. Spurling (Inspector of Sheep and Stock)	Acting Officer of Customs at Swan Hill	Nil	During the absence on leave of Mr. Byrne.
8 Jan.	J. Chatfield Tyler (Assistant Commissioner of Trade and Customs)	Collector of Customs at Melbourne ...	Nil	Vice H. M. Guthrie dispensed with.
8 Jan.	F. W. Howden (Chief Clerk, Customs, Melbourne)	Collector of Imposts, and to sign all Statements of Revenue and Salary Accounts, &c., &c., &c.	Nil	Ditto.
21 Jan.	C. B. Payne, R.N. (Chief Harbor Master)	Immigration Agent, Superintendent of Mercantile Marine, &c., &c.	Nil	Vice L. A. Moody dispensed with.
21 Jan.	George Heath (Inspector of Distilleries)	Acting Chief Inspector of Distilleries	Nil	Ditto.
18 Feb.	H. J. Lepastrier (Accountant, Commissioner's Office, 3rd class, at £485)	Accountant and Inspector (2nd class)	£500	On probation as Inspector from 1st October, 1876., vice R. Down, Inspector, &c., superannuated. Appointment confirmed from that date, and promoted to 2nd class from 1st July, 1877.
18 Feb.	F. J. Jones (Clerk, 4th class, at £350)	Clerk (3rd class)	£375	In consequence of Mr. Lepastrier's appointment as Inspector, &c., and to date from 1st July, 1877.
18 Feb.	F. R. Robinson (Engineer, at 14s. per diem)	Engineer, 3rd Schedule	14s. per diem.	
18 Feb.	A. W. Leonard (Assistant Lightkeeper at Gabo Island, at 8s. 6d.)	Boatman, Williamstown, 3rd Schedule	7s. 6d. per diem	Vice J. Watson exchanged.
18 Feb.	J. Watson (Boatman, Williamstown, at 7s. 6d.)	Assistant Lightkeeper, Gabo Island, 3rd Schedule	8s. 6d. per diem	Vice A. W. Leonard exchanged.
18 Feb.	R. Perry (Inspector of Stock) ...	Acting Officer of Customs, &c., at Tintaldra	Nil	Vice G. Stuckey absent on leave.
18 Feb.	George Pentland	Acting Officer of Customs at Tocumwall	Nil	Vice R. Pennefather absent on leave.
18 Feb.	A. E. Gomm (Deputy Superintendent of the Mercantile Marine Office, Melbourne)	Collector of Imposts, Melbourne ...	Nil	During temporary absence of Superintendent on duty.

Department of Trade and Customs,
Melbourne, 5th March, 1878.

J. CHATFIELD TYLER,
Assistant Commissioner of Trade and Customs.

POST AND TELEGRAPH DEPARTMENT.

Name.	Date of Appointment.	Salary.	Name.	Date of Appointment.	Salary.
	1877.			1877.	
D. McInnes	2 June	18s. per week.	Eliza Hitchens ...	16 Aug.	£40 per annum.
T. S. Smith	30 May	" "	Georgina Hitchens ...	16 "	" "
F. McConville	14 June	" "	Catherine Munro ...	27 "	" "
A. Bennett	21 "	10s. 6d. "	Louisa A. De Gruchy ...	27 "	" "
M. P. Lowry	21 "	18s. "	H. Horrocks	27 Sept.	£100 "
D. Rose	26 "	" "	W. Harley	3 "	18s. per week.
A. E. Wilson	22 "	10s. 6d. "	J. Carter	31 Aug.	" "
G. J. Willis	1 July	" "	C. Graham	6 Sept.	45s. "
J. Biles	9 "	18s. "	E. Mirams	1 July	£150 per annum.
R. F. Toutcher	16 "	" "	E. S. Brett	21 Aug.	30s. per week.
Ada Tapp	6 "	£60 per annum.	J. C. Crooks	24 Sept.	18s. "
J. Dempster	24 "	10s. 6d. per week.	Margt. Miller	21 Aug.	£40 per annum.
Eva Kildahl	23 "	£40 per annum.	W. S. Gordon	4 Oct.	18s. per week.
Jessie McKay	3 Aug.	" "	W. J. Fitzgerald ...	8 "	10s. 6d. "
Alma Hellsten	1 "	" "	J. Brown	10 "	36s. "
J. Cohen	8 "	18s. per week.	B. Williams	1 "	10s. 6d. "
A. P. Bock	25 July	20s. "	J. A. Gaylard	1 "	" "

POST AND TELEGRAPH DEPARTMENT—*continued.*

Name.	Date of Appointment.	Salary.	Name.	Date of Appointment.	Salary.
	1877.			1877.	
K. S. Palmer ...	13 Oct.	£40 per annum.	A. Warnecke ...	1 Dec.	10s.6d. per week.
M. Cregan ...	19 "	10s. 6d. per week.	S. Bleazby ...	4 "	" "
J. Jolly ...	22 "	" "	T. Mulder ...	6 "	" "
P. Alroe ...	24 "	" "	Helen M. Powell	1 "	£40 per annum.
C. S. Clarke ...	1 Nov.	" "	J. G. David ...	12 "	10s.6d. per week.
R. J. Collier ...	7 "	18s.	J. T. Maguire ...	19 "	" "
W. Adams ...	6 "	10s. 6d.	J. Wallis ...	17 "	" "
J. McMahon ...	7 "	36s.	C. J. Harris ...	17 "	" "
R. Evans ...	9 "	10s. 6d.	F. Foxcroft ...	17 "	20s.
J. H. McGarvin	13 "	" "	R. Wilson ...	29 "	18s.
D. F. Molomby	8 "	" "		1878.	
J. Moloney ...	13 "	" "	A. Franz ...	1 Jan.	30s.
S. J. Elliott ...	15 "	" "	J. A. Mackenzie	14 "	" "
J. Sheil ...	19 "	" "	A. E. Lempke	11 "	" "
J. Jackson ...	9 "	" "	H. P. Sennett	8 "	10s. 6d.
F. McEntee ...	1 "	" "	O. H. Phillips	16 "	" "
Frances O'Reilly	7 "	21s.			

NOTE.—In addition to the above, there have been 152 appointments of Postmasters to the charge of Country Post Offices at salaries ranging from £6 to £100 per annum.

General Post Office,
28th January, 1878.

S. W. McGOWAN,
Acting Deputy Postmaster-General.

RAILWAY DEPARTMENT.

Nil.

Department of Railways,
4th February, 1878.

GEO. A. LAVATER,
Accountant.

MINING DEPARTMENT.

Name.	Office.	Date of Appointment.	Salary or Allowance.	Remarks.
		1877.		
W. W. Greene ...	Mining Registrar ...	18 June	Paid by fees ...	<i>Vice</i> O. W. Collins, transferred.
J. Smart ...	Mining Registrar ...	20 "	£15 per annum and fees	<i>Vice</i> Peter Wright, resigned.
S. Cooper ...	Warden's Clerk ...	21 July	£10 per annum ...	During the absence on sick leave of Mr. Woodman, Mr. Cooper was relieved by Mr. Bateman, 5th Dec. 1877.
J. C. Forster ...	Mining Registrar ...	30 "	£10 per annum and fees	New appointment, necessitated by discovery of Bethanga goldfields.
R. Irvine ...	Keeper of Powder Magazine	1 June	£10 per annum ...	<i>Vice</i> Constable McCormick.
(Constable)				
T. Wilson ...	Keeper of Powder Magazine	9 Aug.	£20 per annum ...	<i>Vice</i> Sergeant Webb, and since relieved by Sergeant Farrell.
(Constable)				
T. Kaighin ...	Mining Registrar ...	17 Sept.	£5 per annum and fees.	<i>Vice</i> Jas. Smith, deceased.
J. Fletcher ...	Mining Registrar ...	5 "	Paid by fees ...	<i>Vice</i> T. Holderness, transferred.
H. Horrocks ...	Warden's Clerk ...	28 "	£10 per annum ...	<i>Vice</i> J. T. Strong, deceased.
E. C. Bell ...	Mining Registrar ...	19 "	Paid by fees ...	<i>Vice</i> T. Woodman.
A. Goding ...	Assistant Mining Registrar	8 Oct.	Paid by Mining Registrar	
F. H. D. Cotter...	Warden's Clerk ...	1 Nov.	£20 per annum ...	During the absence on sick leave of Mr. Heap.
Frank Brown ...	Clerk of Mining Board	26 "	£150 per annum ...	During the absence on sick leave of Mr. Burnside.
G. F. Bateman ...	Warden's Clerk ...	5 Dec.	Paid as C.P.S. ...	<i>Vice</i> T. Woodman, relieved.
N. G. Stephens ...	Warden's Clerk ...	10 Jan.	Paid as District Mining Registrar	<i>Vice</i> E. M. Cairnes, whose services have been dispensed with.

MINING DEPARTMENT—*continued.*

Name.	Office.	Date of Appointment.	Salary or Allowance.	Remarks.
H. Busst ...	Office-keeper ...	1 Jan.	£10 per annum ...	<i>Vice</i> T. Hogan, resigned.
T. Farrell ... (Constable)	Keeper of Powder Magazine	8 ,,	£20 per annum ...	<i>Vice</i> Sergeant Thomas Wilson, resigned.
J. Finnie ...	Lithographic Printer ...	21 ,,	18s. a day ...	Re-appointment, his services having been dispensed with on the 9th January.

VICTORIAN WATER SUPPLY BRANCH.

		1877.	
W. McKean ...	Overseer ...	4 June	15s. per day.
E. English ...	Reservoir-keeper ...	27 July	10s. per day and 7s. 6d. per week for rent.
C. L. Lutz ...	Draftsman and Computer	29 Aug.	£4 per week.
W. Quillinan ...	Assistant Channel-keeper	22 Dec.	6s. 6d. per day.

THOS. COUCHMAN,
Secretary for Mines.

1877.
VICTORIA.

EVIDENCE

TAKEN AT THE BAR OF THE LEGISLATIVE COUNCIL

ON THE

RAILWAY CONSTRUCTION BILL,

IN COMMITTEE OF THE WHOLE COUNCIL.

ORDERED BY THE COUNCIL TO BE PRINTED, 18TH SEPTEMBER, 1877.

By Authority:

JOHN FERRER, GOVERNMENT PRINTER, MELBOURNE.

MINUTES OF EVIDENCE

TAKEN AT THE BAR OF THE LEGISLATIVE COUNCIL ON THE RAILWAY
CONSTRUCTION BILL (IN COMMITTEE OF THE WHOLE COUNCIL).

WEDNESDAY, 22ND AUGUST 1877.

Thomas Higinbotham, Esq., Engineer-in-Chief, examined.

1. *By the Hon. Sir C. Sladen.*—You are aware of the Railway Bill which is now before the Parliament?—Yes. T. Higinbotham,
Esq.,
22nd August 1877.

2. There are several schedules to the Bill showing the lines of railway projected?—Yes.

3. Are you familiar with the circumstances connected with the lines described in each of those schedules?—With some of them I am.

4. At the present I wish to draw your attention particularly to the first schedule, which relates to the line connecting Melbourne and Oakleigh. Are you familiar with the circumstances connected with this line?—I know the line on the map only. I have not made any survey of it, nor taken any levels, nor made any estimate of the cost of the line.

5. Are you capable of expressing an opinion upon the estimate of the cost of the line?—No; I have not had any instructions to prepare an estimate in regard to the line—of that portion of the line, perhaps I should say—between Swanston street and the junction with the line that is known as Grant's line, or the green line, upon the plan originally prepared.

6. Where does that junction take place?—That junction takes place near the crossing of the Hobson's Bay railway close to the Yarra, between the South Yarra station and the point where the Hobson's Bay railway crosses the Yarra. I am not quite sure about the exact point.

7. You are alluding to where it crosses the Hobson's Bay railway between the river and Gardiner's Creek road station?—Yes.

8. Are you prepared to express an opinion upon the estimates so far as they concern the line from that point?—I am not prepared to express any opinion upon the estimate that has been made for that portion of the line between the point where it crosses the Hobson's Bay railway and Swanston street.

9. No, but between the points of intersection and Oakleigh?—Yes, I have prepared an estimate for that part, but not separately from the other portions of the line which was then contemplated. The line originally contemplated, and for which I prepared the estimate, was a line leaving Spencer street, carried on a viaduct along Flinders street. It crosses the Hobson's Bay railway and the River Yarra, proceeding through the Domain and the Botanical Gardens. It takes the route shown upon the plan beyond that point. My name will be found printed to the estimate of the cost of that line.

10. How much of the estimate of that line will apply to the line which is in the schedule as it at present stands?—I am not prepared to say. I could furnish the information to the Committee, but at this moment I am not prepared to say.

11. Could you give an opinion to the Committee generally as to the sufficiency of the estimate stated in the schedule—£25,000 a mile?—I should not like to give an opinion as to the sufficiency of any estimate which has not been based upon surveys and levels, and at the time the estimate was made for that portion of the line substituted for the line through the Botanical Gardens there were not, so far as I am aware, any surveys or levels taken.

12. Might I ask you to state to the House what are the rules, or what is the custom usual with the office over which you preside with regard to railways which are projected and put before the Legislature; is it usual, or is it not usual, that the Engineer-in-Chief should be conversant with the circumstances of each line?—It is usual.

13. It is usual?—Yes.

14. Then this is rather a departure from the usual course?—Yes.

15. Could you inform the Committee who will be in a position to give all the required information with regard to the line, from its commencement, to Oakleigh?—Mr. Watson made the estimates.

16. Mr. Watson?—Yes.

17. He is a gentleman in the same office as yourself?—Yes, he is the resident engineer for the Gippsland railway.

18. Then, in fact, as Engineer-in-Chief, you do not hold yourself at all responsible for anything connected with the first schedule?—No.

19. Are you able to express an opinion as to the sufficiency of the ground at the intersection of Swanston and Flinders streets, where it is here stated that the railway is to commence—as to the sufficiency for a station I mean?—I believe it would be found quite insufficient. I believe that the area at the point you speak of would be found quite insufficient for the purposes of a station for the general traffic.

20. That is at this end; does that apply to the whole length as far as Spring street?—Yes.

21. As I understand by the schedule there is a width of half a chain at the starting from Swanston street, running along Flinders street?—Not having prepared the schedule, I cannot say.

T. Higinbotham,
Esq.,
continued,
22nd August 1877.

22. The schedule says, "Commencing at a point on the east side of Swanston street, in the City of Melbourne 50 links south of the south-east angle of Swanston street at its junction with Flinders street; thence for 20 chains 65 links in a straight line bearing north 62° east," so I take it that that line encloses a space half a chain wide between that and Flinders street, running along for 20 chains?—I do not understand the schedule in the way you do. I think that merely describes the direction of the centre line, it does not describe the width of land taken.

23. Still it begins with a width of 50 links?—I have not seen the schedule—[*a copy of the schedule was handed to the witness*]—This appears to me merely to refer to the starting point, "50 links south of the south-east angle of Swanston street."

24. Then do I understand that there is nothing in the schedule at all to fix the site of the station?—I think not.

The Hon. J. A. Wallace.—Mr. Higinbotham has only now seen it for the first time.

The Witness.—Yes.

25. *By the Hon. Sir C. Sladen.*—You know the circumstances, Mr. Higinbotham, of the Gippsland railway?—Yes.

26. I presume that is under your general supervision?—Yes.

27. As head of the Engineer's Department?—Yes.

28. Can you inform the Committee about what time it is likely that the railway will be finished as far as Oakleigh?—I think the line should be opened from Sale to Oakleigh by the end of next March; I have no doubt it will be done by that time. Some portions of it will be opened before that time.

29. At which end of the line are the portions of the line which will be opened before that time?—Between Oakleigh and the Bunyip, in about a month or six weeks at latest.

30. Will that be at this end of the line or in the middle?—At this end of the line.

31. That is to say, some portion of the line will be open to Oakleigh in March sometime?—From Oakleigh to the Bunyip can be ready in a month.

32. I am going to ask you a general question with reference to this, not referring to this in particular, but it will apply to this schedule as well as to the others. In the fifth section of the Act there is a limit of expenditure proposed, and that says in schedule one the limit will be to a sum not exceeding the average over the railway mentioned of £25,000 a mile; I want to ask if that estimate includes the cost of the station at the terminus. I am speaking now in the abstract—of any line?—As a rule it would do, and it does for any estimates for which I am responsible.

33. You are not aware in the present instance whether it does?—I am not aware whether it includes a terminus for what is called the Direct Line from Oakleigh to Swanston street.

34. I should like to ask now for information upon a point of policy which I should imagine has been considered in the Railway department, that is for the future. That is, is it considered necessary that there should be any central railway station for the traffic of all the lines? Is that a policy adopted by the Railway department, or has it not been considered?—It has been considered. It is desirable to keep all the traffic as nearly at one point as possible.

35. And the lines which have been projected have been projected with a view to preserve the connection?—Certainly. Duplicate stations involve very large additional expenditure.

36. I think you stated just now that you had been connected with a direct line from Spencer street station crossing the river at a high level southward to meet the Gippsland line at Oakleigh?—I had nothing to do with the surveys of the line, nor with the setting out of that line.

37. No; but you are aware that such a line has been designed and surveyed?—Yes; and in the Bill as originally introduced into the Legislative Assembly that line was included, and I signed the estimate for that line.

38. Yes. Did you see any objection to that line as regards its connection with Spencer street?—Yes; I saw the strongest objections to that line, and expressed strong objections to it.

39. May I ask what your objection was?—Do I understand the honorable member to mean the line as it was originally proposed?

40. The line as it was originally proposed—yes. I speak of the line direct from Spencer street crossing the river at a high level—I think the first line, the line originally in the Bill. I am anxious to get, if possible, all the objections that exist to a connection with the Spencer street station to railways coming from the south or from the south side of the river, and I do not wish to travel one bit out of the road or to ask an irrelevant question. The reason I ask this question is, that I think it is quite time that, before we go any further with railways, there should be something like a definite policy as to the way of connecting the whole system of railways with a central station, if there is to be a central station; and, if there is to be a central station, where that central station is to be; and, with that view, I am anxious to know what objections there are to connecting Spencer-street station with anything coming from the south by a line across the river in the way originally suggested?—I understand the honorable member to ask my objections to the proposed viaduct?

41. Yes; any objection that may occur to you to a line coming in in the way that was proposed to Spencer street?—The proposed line left Spencer street, and one of my objections was that it crossed the principal approach to the goods station at Spencer street upon the level—

42. That is Flinders street?—No, I am beginning now at Spencer street. The line originally proposed would have crossed the principal approach to the goods station at Spencer street upon a level, thereby obstructing a very large traffic. The line then passed on to Flinders street and would, I believe, have formed a serious obstruction to the wharves in Flinders street, at the part where the street is narrowest, opposite William street. It would have crossed over the approach to what is called the Falls Bridge, over the Hobson's Bay railway and the river Yarra, which would have been an expensive work, and, I think, perhaps, involving some considerable difficulties in construction. It would then have crossed over the flooded portion, or the portion that is flooded occasionally on the south side of Prince's Bridge, forming a most serious and dangerous obstruction, in my opinion, in time of floods. It would then have passed over the southern approach to Prince's Bridge, which it has been always contemplated to improve and raise, and when that approach is raised, if it ever be raised, the line as originally proposed in the Bill would have crossed the raised approach on a level. That is to say, the main approach from the southern side to the city—from all the southern suburbs to the city—would have had a railway level-crossing upon it. The line then passed through the Domain and through the Botanical Gardens.

43. I ask only with reference to its immediate connection with Spencer street?—Yes; those were the objections I took to the line as originally proposed. T. Higinbotham,
Esq.,
continued,
22nd August 1877.

44. Is there any objection to the bridge crossing the river at the point where it would lead to Spencer street?—There is no insuperable objection. The bridge would be somewhat difficult of construction, because it would cross over the Hobson's Bay railway, but there is nothing insuperable there.

45. But I was alluding to the navigation?—It would not affect the navigation at all; the proposed line was quite free from that objection.

46. Then the principal objection, as I understand, is that this connection with Spencer street was at a level with one of your principal approaches?—With the principal approach to the goods shed, and with the approach to the south side of Prince's Bridge, if it be ever improved as it is contemplated to improve it, and as I have no doubt it will be improved.

47. Would that same objection apply to a railway laid down along Flinders street, for instance, supposing it were determined to make one?—Certainly.

48. Coming from the east?—Yes; but I understand it is proposed to work the traffic upon the line now included in the Bill by horses from Swanston street to Spencer street, not by locomotives. The line about which the honorable member has been just inquiring, was proposed to be worked by locomotives. I may say that, apart from the particular objections I have just now mentioned, to that scheme, for bringing the traffic from the south side by a viaduct along Flinders street, I have always taken the general objection that the south side is not the right side of the city on which to bring in the Gippsland traffic. The great bulk of that traffic, it appears to me, is of a kind that should be taken to the north side of the city, and could be properly accommodated only there.

49. By what route would that come?—By what is known as the Outer Circle railway.

50. Is there no other way of overcoming the difficulty that you see of coming in by the south, but that Outer Circle?—I do not think there is; for the trade in live stock, in timber, in firewood, and produce, which would form the main elements, and by far the most important elements as to bulk and value of the Gippsland traffic. The Gippsland traffic in passengers, I believe, will be insignificant; certainly not a third, in point of value or revenue, of the other traffic of which I have spoken.

51. You do not think the Gippsland railway then will be remunerative?—I do think it will be remunerative. It will be remunerative on account of the traffic in live stock, in timber, and in produce; but I do not think it would be remunerative if the passenger traffic alone were taken into account.

52. Now, going back to the central station. Have you formed any idea as to what is the proper site in the future for a central station, to connect the whole system of Victorian railways?—I proposed some years since a central passenger station, distinct from the goods station, at Spencer street. That was on a site adjoining Elizabeth street. There were some very strong objections made to that, and the matter has never been pressed further.

53. That was due to the immense cost, or supposed cost, of the site?—To the supposed immense cost. I believe that the ideas as to what it would cost, were very much exaggerated.

54. Do you conceive that it is essential that the passenger station should be separated from the goods station, as a permanent central station?—No; I think if they could be kept together so much the better; but I believed at the time, at all events, that the whole area at Spencer street, which is now occupied by goods and passengers, would be required for goods alone; and I also believed that, with the growing importance of Melbourne, the public would not be satisfied with a station at one end of the city, as it were, for the accommodation of passengers.

55. Practically you have not occupied the whole ground which was within your reach at the Spencer street station. There is plenty of ground available which you have not at present occupied?—There is a very large area of swamp available; but to make it practically available would require an immense expenditure in raising it.

56. I take it, that there is space there at all events?—There is space, but the level is very much too low to be practically available.

57. Therefore if it turned out that it was not practicable to get any other station, that site would fulfil all the conditions necessary for a central station both for passengers and goods?—Certainly; it is quite possible to make a very good station for both goods and passengers at Spencer street, if the public are satisfied to have the passenger station so far from the centre of the city.

58. I understand you to say that the proposed connection with the Gippsland railway (supposing the terminus to be at somewhere in the vicinity of Prince's Bridge) along Flinders street is to be by a horse tramway?—Yes, so I understand.

59. Is there any objection to that?—I think the objections to that are most serious.

60. Might I ask you to inform the Committee what is the nature of those objections?—My objection arises from the character of the Gippsland traffic. That traffic will consist (the great bulk of it and the great value of it) of cattle, sheep, pigs, and calves, firewood, and sawn timber. If the Committee will allow me, I will describe the operation that must take place in conveying that traffic, as it appears to me, from Swanston street to Spencer street. The train would be drawn into the present Suburban station, or what was known as the Suburban railway station. It would then have to be backed out against a gradient of 1 in 50 on to a level with Flinders street. It would then be carried along Flinders street, which is a street, as the Committee know, very much crowded with traffic, to Spencer street. The cost of carrying traffic by horses in the way that I have described would be at least six times as great (I am sure that I am within the mark when I say at least six times as great) as the cost of carriage on an ordinary railway, and the time occupied would be six times as great. That being the case, what has been called the Direct Line is not at all in my opinion a Direct Line for the great bulk of the Gippsland traffic. The cattle and sheep have to be conveyed to the cattle-yards at Flemington, and the distance they would have to travel over, according to my estimate, by the Direct Line from Oakleigh would be 22 miles and 31 chains as against 17 miles and 14 chains if they were carried over the Outer Circle line.

61. By the Outer Circle?—By the Outer Circle, the termini being the cattle-yards at one end and Oakleigh at the other. If the cattle are taken over what is called the Direct Line, they will travel both in point of time and expense over 22 miles 31 chains, according to my calculation, as against 17 miles and 14 chains by the Outer Circle line.

62. Could you make that comparison at all in figures?—Yes, I can. The distance from Oakleigh to Spencer street by the Direct Line—the one now before the Committee—is 9 miles 9 chains.

T. Higginbotham,
Esq.,
continued,
22nd August 1877.

63. That is to Prince's Bridge?—To Prince's Bridge. The distance which traffic will have to pass over during the operations which I have just described of first shunting back into Flinders street and then passing along Flinders street will be 1 mile 57 chains before the traffic reaches the point at which it can be taken by a locomotive, at what we call the low-level sidings at Batman's Hill. That 1 mile 57 chains I multiply by six, the cost of carrying over that distance of 1 mile 57 chains being six times as great as it would be over a railway of an ordinary kind. I do not know if I explain myself clearly.

64. Yes, I understand that makes about nine miles?—That makes 10 miles 22 chains. Then there are three miles from the low-level sidings to the cattle-yards, making a total of 22 miles 31 chains.

65. As a question of increased expense, what would that come up to—this having to go, as it were, over six times the distance?—There would be the carriage over more than an additional five miles.

66. And will it require a larger establishment to work the line at the station where the goods traffic breaks off from the other?—No doubt it would, but what I am anxious to point out to the Committee is, that as I look at the matter (and I believe I have under-estimated rather than over-estimated the additional cost and delay), the so-called Direct Line will inflict a tax of five miles additional upon the whole of the cattle traffic coming from Gippsland if it be conveyed in the way proposed.

67. Your remarks and your opinion generally upon this will apply equally to the Hobson's Bay railway line, supposing the traffic to be carried by running powers over that line?—Yes. I believe that to take this traffic to the Hobson's Bay station would be, if not quite at any rate very nearly, as objectionable as taking it to the proposed point in Swanston street.

68. It is rather nearer I believe?—There would not be quite so much traction through the street by horses. The case is still more unfavorable if the traffic in firewood is considered, which would be a very large traffic upon the Gippsland railway. In that case, assuming as I believe that Brunswick or the neighbourhood is the proper place for a firewood depôt, and that the great bulk of the firewood would be taken there, the traffic in wood would be carried by the Direct Line over twenty-two miles and a half, as against twelve miles and sixty-five chains on the Outer Circle line.

69. May I ask upon what you base your opinion that the depôt for firewood should be at the spot now indicated?—I find 112,000 tons of firewood were brought to Spencer street in the year 1876. Of that quantity only 20,000 tons went south of the Yarra, and a very large proportion of the remainder went to Brunswick.

70. That is, for what purposes?—Burning bricks. With the exception of 20,000 tons, the whole quantity of firewood received in 1876 at Spencer street station went to the north, not to the south.

71. And you are under the impression that the principal goods traffic from the Gippsland railway will be cattle, sheep, and firewood?—I believe so—will form a very large proportion of the traffic.

72. I suppose sawn timber will come too?—Yes, and sawn timber.

73. Would that form a large proportion of the traffic?—It would form a considerable proportion, but I believe a large proportion of the wood traffic, and a very large proportion, would be in firewood. Gippsland I believe in a few years will be the main source of supply of firewood, for the other sources of supply are rapidly becoming exhausted.

74. Could you form any idea, or could you give an estimate of the value and proportion of the goods traffic upon the Gippsland railway, consisting of sheep, cattle, and firewood?—Yes. I made inquiries as to the number of cattle, and my information is, I believe, from the very best authority upon the subject. Last year 20,000 fat cattle were brought to Melbourne from Gippsland. The number had increased from 14,000 to 20,000 in the last three years, and my informant, who is thoroughly well acquainted with the trade, assured me that he believes every hoof will be carried by rail, and also that the number will very much increase. I should mention that the whole of the 20,000 cattle that I say came in last year from Gippsland came from beyond the Morwell River. No account is taken of the cattle that came from this side of the Morwell. At the present traffic rates the value of those 20,000 cattle in the year would be £11,200.

75. And the firewood?—Assuming that half the whole quantity of firewood now brought into Spencer street would come from Gippsland, the value of that traffic would be £15,000 a year, at the present traffic rates.

76. That would be £29,000?—Yes.

77. Could you inform the Committee of what is the estimate of the whole traffic of the line?—The whole traffic of the line, so far as I can judge, and I have examined it with some care, may be calculated at £36,000 a year.

78. So that £29,000 of that would arise from the two items of stock and firewood?—Twenty-six thousand pounds is what I think I gave the honorable member—£15,000 and £11,000. Then there is another item for sheep.

79. I beg your pardon, I thought you had included that?—No, I have not.

80. How much would the sheep bring?—The sheep I estimated, from information I have got, would bring in a revenue of £2000 or £3000 a year. Hitherto, from the bad state of the middle section of the Gippsland road, it has been quite impossible to drive sheep through at the time of year when the market is most favorable. But those who are acquainted with the trade believe that, during the summer months, cross-bred sheep would be sent down to Gippsland, as soon as there is railway communication, to fatten for the winter markets, and that a very large trade will be done in that way; and I am assured that a very moderate estimate of the receipts from that trade is £2000 or £3000 a year. I may say, generally, that the traffic in cattle, sheep, pigs, calves, firewood, and sawn timber would amount, I believe, to about £24,000; and the total traffic, including passengers and mails, would be about £36,000.

81. The £36,000 includes passenger traffic?—Includes everything.

82. Is that both ways?—Yes; up and down.

83. Will there be any great goods traffic down?—There would be a very considerable traffic I believe; I think there is more uncertainty as to the goods traffic than as to the other items.

84. Does your estimate apply to the goods traffic as well as to the other traffic, as to Spencer street station?—Yes; the natural place for sheep to go to is the market. If sheep were taken to Gippsland to be fattened, the natural place for them to be taken from would be the market, and so with cattle.

85. You think the traffic would consist of stock in a great measure?—Some of it.

86. Of course, the same objections apply to that class of goods as to the up traffic?—Yes; it appears to me so.

87. As a fact, at the present time, are many cattle brought to Melbourne by rail?—The trade is only just beginning, but it is extending very rapidly; but there is no doubt whatever that there will be a large trade. T. Higinbotham,
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88. Is it likely to be very large—are not cattle too wild to confine in pens in railway carriages?—We do not find any trouble whatever in managing the wildest cattle.

89. Does not it bruise them?—No. No doubt cattle sometimes come into Melbourne bruised, but that is from the shunting at various stations; but when the traffic increases, as I have no doubt it will do, and trains are run through, to come with very few stoppages, I believe the cattle will come in in very fine order indeed. That is the experience already—they do come in much better order now than when they were driven.

90. Then I understand you that about two-thirds of the goods traffic will require to go considerably beyond the Spencer street station from this railway?—Two-thirds of the goods traffic. For two-thirds of the gross traffic of the Gippsland railway it appears to me that the so-called Direct Line would be a very indirect line, and would inflict a very heavy tax upon the traffic, both in time and money.

91. Are there any objections otherwise to the tramway passing along Flinders street?—I think it would be a great public nuisance.

92. I believe it is usual in America, is it not, to have tramways or even locomotive lines through the town?—It is, and the proposal, now that they are acquainted with the nuisance arising from such traffic, to construct a line of railway along the streets meets with the most violent opposition, that I can answer for from my personal experience of what passed upon one or two occasions when I was in the States. Not very long since there was a proposal to carry a railway along some streets, and there was violent opposition to it, because the public had had experience of what an intolerable nuisance it was.

93. That was against a line to be worked by locomotive engines?—Yes.

94. There would be a greater objection to this than to horse traction?—No doubt of it.

95. But practically only passing along the street a few times in a day, it would not be a very great obstruction to the business and traffic, would it?—By locomotives or by horses?

96. By horses. I understand it is proposed to work this connection by horses?—So I understand.

97. That would not be such a very great inconvenience?—No, not by horses. The great objection to it is the delay and expense. The expense of working traffic by horses, as I said before, would be at least six times as great as working the same traffic upon a railway.

98. You know the direction of the line in the First Schedule direct to Oakleigh after it passes the Yarra?—I am not sure that I understand you.

99. You are aware of the locality through which the line passes connecting Oakleigh with Melbourne?—Of the line in the Bill now before the Committee?

100. From Oakleigh to the intersection of the Hobson's Bay railway, between the Gardiner's Creek Road station and the river?—Yes.

101. Is that line favorable for the introducing of other lines of railways into Melbourne, that is to say, is there any country there which could be reached by lines of railway running into this line or branching out from this line?—No doubt branches might be made from this line, but they would be made at enormous expense.

102. Is there any country which that line would command to which any important railway would be made?—The map which I believe is before the House shows the proposed connections, or the possible connections.

103. Here is a proposed connection between Camberwell, Lillydale, and Fernshaw?—Yes.

104. Is that likely to be an important line at any time?—It is a line which has been very frequently advocated. I cannot say whether it is likely to be an important line or not.

105. Is there any other country which is likely to be reached by a railway from the direction of this line in any way?—There is another proposed junction of Northcote and Heidelberg shown upon the map.

106. That is by a tunnel through the Fitzroy Gardens?—Yes, and again through the same tunnel to Pentridge.

107. I suppose that would be a very expensive connection?—No doubt it must be very expensive. I have not made any estimate of the cost. I am not aware of any estimate having been made of it.

108. You are acquainted with all the circumstances of the Outer Circle railway, I believe?—Yes.

109. Have you ever made an estimate of the cost of that line?—Yes.

110. How long ago was that made?—I think my original estimate was made about four years ago.

111. And what was the estimate at that time?—The estimate at that time was £196,000.

112. Does that include anything beside the permanent way?—It includes everything.

113. Purchase of land, stations, and rolling-stock?—Yes; subsequently there was another estimate made—it was considered desirable to make the cuttings wider, and the weight of rails was increased from 50 lbs. to 60 lbs. per yard. These alterations with some others increased the estimate up to £226,000 for the Outer Circle railway.

114. Was that for a single line or a double line?—For a single line.

115. Would that estimate stand at the present time?—Yes.

116. You think property has not acquired a greater value?—The addition to the estimate contemplated some increase in the value of property. My impression is that that is a safe estimate for the line at the present time.

117. And that was intended, I believe, to run into the Spencer street station at North Melbourne?—To join the main line at North Melbourne.

118. Taking into consideration the objections which you have just been urging to the connection of the Direct Line with Spencer street, do you conceive that the Outer Circle could be worked as economically as the Direct Line?—Much more so, in my opinion.

119. In point of mileage, I gather from the objections you urged just now, the mileage would be no greater by the Outer Circle than by the Direct Line?—Certainly not, for all goods and live stock; it would be for passengers.

120. I understand the goods and live stock is two-thirds of the whole traffic?—Two-thirds of the whole traffic, according to my estimate.

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121. Would that be an expensive line to work—the Outer Circle?—No, I do not think it would.
122. Are there not a great many level crossings?—There are a considerable number of level crossings, but not a very great many in proportion to its length.
123. Would not that affect its working expenses?—Of course every additional level crossing is an additional expense.
124. Is it a line that would be remunerative in itself, through the more populous neighborhood it would pass through the latter part of it?—I believe that it would be, and a very strong argument in favor of the line appears to be, that it provides for any extension to the north and north-east in the most economical way. If the Committee will allow me, I will give them the particulars of the cost of the line at various points.
125. Upon what map would that be?—Upon the map that I have before me, not before the Committee—a map that I prepared to give my evidence.
126. I suppose we shall be able to follow upon this map—[*holding up one of those before the Committee*]?—No. The length of the Outer Circle from North Melbourne to the point where the line to Brunswick, Preston, and Whittlesea would branch off is 1.73 miles, and the cost of that length would be £38,714.
127. Is that the most expensive part of the line?—That is the most expensive part of the line. The next section which I have taken carries the line on to a point at which a branch would leave for Heidelberg; that is a further length of 3.59 miles; the cost of which would be £55,995.
128. That is of that section?—Of that section.
129. That is about five miles altogether from the North Melbourne starting point?—Five and half miles.
130. What is the point that that 5½ miles takes you to?—To the point at which the branch for Heidelberg leaves.
131. What is the neighbourhood?—The neighbourhood is about three-quarters of a mile east of Northcote—[*the witness measured upon the plan*].—It is more than a mile east of Northcote.
132. And that section will cost how much?—That section will cost £55,995. The next section takes the line on to Camberwell, which appears to be the best point at which the line to Healesville and the Upper Yarra district would leave. That is an additional length of 4.87 miles, and the cost is £76,211. The next section takes the line on to Oakleigh; the length is 4.81 miles, and the cost is £55,861. What I should like to point out to the Committee is that, properly speaking, it appears to me, that only that last section which is 4.81 miles long, and will cost £55,861, is chargeable to the cost of connecting the Gippsland railway with Spencer street, because the whole of the remainder of the Outer Circle line provides for suburban districts, and provides for branch lines to the north and north-east, which it appears to be generally admitted must at some time or other be made.
133. Will a great portion of that line be self-supporting independently of the Gippsland traffic?—I believe so. Certainly with the Gippsland traffic it would pay.
134. You object to the connection with the Direct Line at Spencer street on account of the goods traffic, but what would be the objection of passengers who had to go on the Outer Circle to North Melbourne?—The objection is that the Outer Circle line would be seven miles longer for passengers to travel to and from Spencer street than the Direct Line which is proposed in the Bill.
135. They would have to go seven miles further than if they were discharged at Prince's Bridge?—Yes, than if they were discharged at Prince's Bridge, there is no doubt that is objectionable from that point of view; but I believe it may be very easily met and without any serious cost.
136. In what way?—By making a line from Oakleigh to Elsternwick, and allowing any passengers who desired to do so (my own impression is that not many would do it) to pass over the line from Oakleigh to Elsternwick, commonly known as the Rosstown railway, and go over the Hobson's Bay railway to Elizabeth street. I have made a calculation of what the Government would lose, supposing every passenger who travels up and down would get out or get in at Oakleigh, instead of passing over the Outer Circle railway, and the loss to the Government, allowing thirty-three per cent. for working expenses, would be £1356 a year.
137. That is for the traffic both ways?—Yes, both ways.
138. And you are taking that for the whole passenger traffic, so I understand?—I assume that every passenger travelling up or down from Gippsland would choose to travel over the Hobson's Bay railway and the Rosstown railway to or from Oakleigh, instead of going by the Outer Circle railway to or from Spencer street—therefore, according to my view of the matter, the Direct Line would be made simply for passenger traffic—I am quite satisfied that it can never be a line for the goods and live stock traffic, which form, as I have told the Committee, two-thirds of the whole traffic. The line would be made simply for passenger traffic, and the same advantage to passengers would be arrived at, with a net loss to the Government of £1356 a year only if the railway between Elsternwick and Oakleigh were made.
139. That is about £226,000, you estimate the Outer Circle would cost at the present time?—Yes.
140. How long would it take to complete that line of railway?—I have no doubt it could be completed in eighteen months.
141. Then there is no provision to connect the Gippsland line with Melbourne for the present at all events?—No.
142. Have you ever considered the desirability of taking the traffic over the Hobson's Bay railway?—Yes.
143. Under what are known as "running powers"?—Yes.
144. Would you tell the Committee what is your opinion with reference to that course, *pro* or *con*?—My opinion is generally against taking that course.
145. May I ask upon what ground?—Because I believe that the Hobson's Bay terminus is an unsuitable terminus for taking the great bulk of the Gippsland traffic.
146. That is to say, that all the objections you have been urging to the Direct Line, as far as taking the traffic to Spencer street, apply to the Hobson's Bay railway?—Yes.
147. Independently of those objections, are you in favor of or against taking the running powers generally over that line?—Independently of those objections?

148. Yes ; I am speaking now of running upon the line itself, that is to say, there might be objections upon the score of the permanent way not being suitable to the weight of the locomotives of the Victorian railways, or it might be that the suburban traffic might be an inconvenience or an obstruction, or other things of that class?—Yes, I think one very serious objection to taking running powers is, that the Hobson's Bay railway is already overloaded with traffic. T. Higinbotham
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149. Do you mean to say that it would not be safe to put more traffic upon it?—It would be unadvisable certainly, without very large expenditure being made upon the Hobson's Bay railway.

150. If that expenditure were made, would that objection cease?—Yes.

151. Then your objection is to the permanent way as being insufficient?—I should doubt if the bridges upon the Hobson's Bay railway are sufficient—I do not like to speak positively upon the subject, because I have never examined the bridges with that view—I doubt if some of them are quite sufficient to carry the heaviest of the Government locomotives.

152. Would you consider the traffic from Gippsland would be heavy?—I believe it will be a heavy traffic.

153. That is to say, trucks of stock and so forth would be what you call the heavy traffic?—Yes.

154. Which would involve heavy engines?—Yes ; to do it effectively heavy engines should be used.

155. Are the gradients heavy on the Gippsland line?—One in fifty.

156. Requiring tolerably heavy engines?—Yes.

157. Do your remarks apply to the whole of the Hobson's Bay line to Oakleigh, or to any portion of it?—To the whole of the line ; but my objection (I do not know whether I make myself understood or not), my main objection (I speak doubtfully as to the bridges being sufficient), is to the connection with Spencer street, and to the unsuitable site of the Elizabeth street station as a terminus ; it is not only an unsuitable site, but the area is altogether insufficient.

158. In the station itself?—In the station itself.

159. For passenger traffic?—For passenger and goods traffic.

160. That is to say, you could not recommend running power over the Hobson's Bay Railway unless there was some means of connecting North Melbourne by rail with the Hobson's Bay station?—No ; goods traffic, I am sure, could not be done at Elizabeth street as a terminus.

161. But in that case the the goods traffic would not trespass at all upon the Hobson's Bay station, would it?—It would have to pass through it.

162. Then that would not be any hinderance?—It would be a very serious hinderance ; any addition to the traffic would cause embarrassment.

163. Could not it be got over ? is it insuperable ? would it not be possible to provide that accommodation?—Not to the extent that is required ; the area and shape of the ground are particularly unfavorable for extension, in my opinion.

164. Are you aware of the recognised terms upon which running powers are taken by one railway over another railway?—I do not know that there is any recognised rule.

165. How would it be arrived at? I was under the impression that there was a recognised code of rules ; I believe there is in the United Kingdom?—I think not ; there may be, I have not heard of it.

166. Have you any experience to guide you as to how the compensation for that would be adjusted?—I cannot say that I have considered the matter.

167. Would it be a matter of agreement between the parties ? As I gather from the Acts, the Hobson's Bay railway, for instance, will be bound to give running powers to railways?—I cannot say, I have not looked into the matter at all so far as terms are concerned.

168. Are you aware of what is considered necessary to satisfy select committees with regard to private bills ? When a company is applying to get a private bill for making a railway, do you know what is necessary in order to satisfy the committee to report favorably with regard to assent being given ? In the line (so far as I gather) in the schedule to the present Bill, so far as I can understand, there has been no special, or what is generally known as a permanent survey made. There have been no sections made, or anything of that kind ; therefore the whole subject is not thoroughly before the Legislature. I understand that when a private bill is brought before a select committee they are obliged to specify more particularly the ground that they will occupy all the way through, and all the details of working, the sections and levels, and so forth?—Yes, that is the case ; the plans and sections are deposited.

169. Have you had any experience yourself personally in private bills before select committees?—In England I know what the custom is. I have not had experience here.

170. Could you explain the custom there?—The plans and sections, and a book of reference describing all the lands passed through, are deposited in England on the 30th November each year. Parliament meets about the 7th or 8th of February. Meantime the plans and sections and book of reference are open to the public. The bill is afterwards referred to a select committee.

171. When referred to a select committee, is any deviation allowed from the line which is put before the select committee?—The deviation in England is usually ten chains.

172. But after the select committee have reported, have they still the liberty of exercising that power of deviation?—Within the limits allowed by the bill.

173. Within that limit?—Yes.

174. It would be impossible, I suppose, to lay down the line so minutely before the committee?—It is generally believed to be so.

175. Does the cost put against each of those lines include, besides the permanent way and the rolling-stock and stations, does it include the fencing?—It does for all lines for which I have made an estimate.

176. In any of the lines scheduled in this Bill, are you aware whether that is the case?—I know it is in some of them.

177. I do not wish to go into the particulars of any other line at present than the Oakleigh line?—The estimates for which I am responsible are the Avenel to Shepparton, Dunolly to St. Arnaud, Stawell to Horsham, Woodend to Daylesford, Springs to Wahgunyah, and the branch railway to the Geelong racecourse.

178. *By the Hon. H. Cuthbert.*—Did I understand you to say that you were in favor, and that you would recommend, the Hobson's Bay line to be purchased in order to connect Oakleigh with Melbourne?—No.

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179. You are not in favour of that?—Certainly not.

180. Do you think that in an important line like that to Gippsland—to Sale—that the Government should have the control of the whole of their line, they having made a greater portion of it?—Yes, I think so.

181. Some people say that a large amount of money might be saved by taking running powers over a portion of the Hobson's Bay line. Would you recommend that to the Committee as desirable?—Certainly not.

182. Then, as I understand, you are altogether in favour of the Outer Circle, as being the most feasible project of all?—Yes.

183. And you formed that opinion, Mr. Higinbotham, not to-day, but some four or five years ago?—Yes.

184. And you informed the various Administrations of what your opinion was?—I did, and the present Administration.

185. And the present Administration; so that perhaps that might have been the reason—you having expressed such a decided opinion—why the resident engineer was asked to mark out the Direct Line?—Very probably.

186. Then, assuming your project, that you favor so much (namely the Outer Circle), did not meet with the general approval of the Committee, you would then be in favor of the Direct Line in preference to the purchase of the Hobson's Bay line, or taking running powers?—I think it is a choice of evils.

187. And which is the least?—I think the lesser evil of the two would be running over the Hobson's Bay railway.

188. I think you styled, in one part of your evidence, this Direct Line as an indirect line—to some extent indirect—so far as the traffic in connection with cattle and firewood was concerned?—Yes; it is a direct line only for passengers; that is my way of looking at it.

189. Only for passengers?—Yes.

190. I suppose it is likely that, with railway accommodation, there will be a large settlement of people about Oakleigh?—I do not know; some people expect that there will be.

191. So that if the Outer Circle line were adopted, people residing at Oakleigh would have to travel fifteen miles before they could come into Melbourne?—Unless the Rosstown railway is made.

192. But leaving that out of consideration at the present time, they would have to travel fifteen miles?—Yes.

193. And all the passengers from Gippsland would have to do the same?—Yes.

194. Now, have you estimated how many stations are likely to be established along that course of fifteen miles from Oakleigh to Melbourne?—No, I have not.

195. It would not be unreasonable to fix the number at ten, I suppose?—Yes, I think it would.

196. It would?—Yes.

197. What would you fix the number at?—The average in England, where they are much more numerous than they are here, is, I think, a station at every two and a half miles.

198. That would be seven stations?—I should think four or five stations would be as many as are necessary on the Outer Circle; that is to say, assuming that the stations are placed only where they are necessary.

199. Yes, but I suppose as people would settle, there would be many calls upon the Government and requests for a station to be established near their own place; and do you think it likely that their request would be refused, having the experience that you have gained of how very pliant Government sometimes is?—I am afraid they would not be refused; I think they ought to be in a great many cases.

200. Then, in estimating the present traffic on the Gippsland line, you have estimated it I suppose based upon the present population?—My estimate was arrived at in this way:—I got the proportion of passengers to the population over the whole of the colony excluding Gippsland; I assume the same proportion for the population in Gippsland. I believe that is making a very liberal estimate of the passenger traffic.

201. But what did you fix the population of Gippsland at?—22,000; I got that information from the Registrar-General.

202. Have you made any proportions from the increase that was likely to take place owing to the settlement in Gippsland during the next ten years?—No, I only took into account the present.

203. There was one portion of your evidence that I did not clearly understand in connection with the Direct Line. I think the question was put to you by my honorable friend relative to the numbers of miles that would have to be travelled over in connecting the suburban station with the Spencer street station?—Yes.

204. I think you said 1 chain 57 links?—One mile and 57 chains.

205. One mile and 57 chains?—That is including the distance over which the trains have to be shunted.

206. That was the part I did not understand. What distance did you estimate for the shunting; I think you said there was a gradient of 1 in 50?—Yes; I think I have got it here—[referring to papers]. A train would be shunted back from Swanston street to Spring street 26 chains.

207. But you, not having laid out the line, how do you get the gradients?—By calculation. I know the levels.

208. You are not aware whether Mr. Watson has made any alteration in those levels?—No.

209. You go upon that assumption?—I take the present levels of the old suburban railway station, and I take the level of Flinders street, both of which I have.

210. Would that be 26 chains in one direction that it would have to be shifted?—Yes. If a train arrives at the old suburban railway station it has to be shunted back towards Spring street 26 chains. It then comes back to Swanston street 26 chains along the line of Flinders street east.

211. And then from the station—what distance from the suburban station to—?—And then from that point at Swanston street to the junction with the low level sidings at Batman's Hill, where the train would be taken by locomotive 1 mile and 5 chains.

212. What would be the cost per mile of carrying goods upon the railway; what is the cost?—The net cost of carriage?

213. Yes?—On a railway?

214. Per ton?—Per ton per mile may be taken at a farthing.

215. At a farthing?—At a farthing.

216. Not three farthings?—No, at one farthing. It has been done at that in the States recently. They have been carrying goods from New York to Chicago, which is very nearly 1000 miles, at that rate of a farthing a ton per mile.

217. But in Victoria, is not the cost per ton per mile three farthings?—What is charged is very much more.

218. What is the charge?—It varies with the class of goods.

219. Take firewood, for instance?—The charge is a penny.

220. Cattle, how much?—Cattle, so much a truck. I have got the rates here—[referring to a paper]. The charge for cattle in goods trucks is 10d. per truck per mile from 1 to 100 miles; 10d. per truck per mile.

221. One honorable member wishes me to put this question: what is the difference between the charge and the actual cost?—The actual cost of haulage, as I have said, I believe may be taken at one farthing per ton per mile. The charges for different kinds of traffic are various; but, taking goods traffic, the average will perhaps be 5d. per ton per mile. Of course, out of that have to be paid all the expenses, apart from mere haulage.

222. Hauling goods for that mile and a quarter that you have spoken of, with horses, how have you estimated the cost of that? Suppose two horses—we will take two horses—what weight would they be able to draw; 20 tons?—One horse will carry, on a level, 20 tons gross; that is to say, 10 tons of net goods.

223. Have you estimated how many trips a horse can make in a day from one station to the other?—I assume that a horse will travel 15 miles in the day.

224. Do I understand you then to say, that the cost of conveying that distance of a mile and a quarter would be six times as great as if it was conveyed by a locomotive?—Yes.

225. For that mile and a quarter?—I believe it will be very considerably more. I put it six times, but I wish to be within the mark.

226. But why not put it at ten?—I might have put it at ten, I believe, without being in excess of the truth.

227. It would not be in excess?—I believe not, taking into account, allow me to add, that there are several gradients in Flinders street. There are gradients of 1 in 47, I think.

228. Then I think I understood you to say, that constructing lines passing through streets was a nuisance—a serious nuisance; and considered so in America?—Yes.

229. Coming back to the Outer Circle, would you not have to cross several streets? how many streets would you have to cross with the Outer Circle line?—I do not recollect at this moment, but I can furnish the Committee with the information.

230. I suppose, at each crossing there would require to be a gatekeeper?—Yes, at each public road crossing.

231. Eighteen surface-crossings. I have a little memo. here: "From Melbourne to Oakleigh"; however, there would be more than eighteen surface crossings?—I cannot say at this moment; I believe, however, that the Outer Circle line does not compare unfavorably with the Direct Line as to the number of crossings; certainly not, if the distance is taken into account.

232. I have got an estimate here of the cost of the Outer Circle line for crossings alone, £2628; an expense per annum for that alone in connection with those crossings?—I do not know anything of that estimate; I can give the Committee, if it desires it, an estimate of the cost for crossings on the Outer Circle line.

233. Is it not a very difficult thing to estimate what will be the actual cost of purchasing suburban property?—I cannot say from my own knowledge; I have never had any business of that kind to transact.

234. The first estimate that you made in connection with the Outer Circle was about four years ago, and I think it was then one hundred and ninety odd thousand pounds?—£196,000.

235. How much out of that £196,000 did you set apart for compensation for the owners of property?—The estimate of compensation was made not by me but by Mr. Cowderoy, the Government Valuer. I am not sure that I have got the estimate here.

236. I think he made his valuation in a day and a-half; took a flying visit over the property, and arrived at his valuation, working at it for a day and a-half?—I do not know.

237. Of course you could not be in any wise responsible for that valuation?—Certainly not.

238. So that, during that four years, in order to give compensation to the owners of property through which this Outer Circle line would run, it might cost four times the amount of this, then set apart for the purpose?—I cannot say.

239. Property has improved wonderfully, has it not, in the suburbs during the last four years?—I do not think it has during the last four years; property was very high four years ago.

240. Were there to be many bridges in constructing the Outer Circle—would it require to construct many bridges?—I do not think there was one over, there were several bridges under the line.

241. What class of work were those bridges to be composed of?—Timber.

242. Just the same as upon the Gippsland?—Yes.

243. Or were they superior?—I think they were. It is a long time ago now since the estimate was made, and I will not be certain upon the point. The culverts were all to be of brick, but the larger bridges, I think, were estimated to be of timber.

244. Were all the buildings to be composed of brick or timber for stations and so on?—Brick.

245. *By the Hon. N. Fitzgerald.*—Mr. Higinbotham, reverting to the line as scheduled in the present Bill, and bearing in mind the many important points touched upon in it, is it not in your opinion essential that levels should be taken before any approximate estimate of cost could be prepared, speaking generally?—I should not like myself to make an estimate without preparing levels; in fact, I should decline to do so, except as a very approximate estimate.

246. Talking of the practice in England which Sir Charles Sladen referred to, which limits the accuracy, are engineers bound to their surveys and levels, can you tell?—I do not think I can tell you that, but engineers are very closely watched there, because schemes are generally opposed, and if any error was discovered, the thing is thrown out.

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247. I presume no Bill in a Parliamentary Committee in England could think of sanctioning a line of railway for which there was no certified survey?—Certainly not.

248. In the estimate of cost to which reference has been made by the Honorable the Postmaster-General in introducing this Bill, I see "Melbourne to Oakleigh, 9 miles 56 chains, and its estimated cost, £243,944.—Thomas Higinbotham, Engineer-in-Chief." May I ask, were you responsible officially for the correctness of that estimate?—Yes.

249. Is that the estimate for the line in the Bill now before the House?—No, that is an estimate for the line leaving Spencer street, carried by a viaduct along Flinders street, but is not an estimate for the line before the House.

250. Then practically this might be an estimate for a direct line from Ballarat to Melbourne, as far as the Bill is concerned?—That is not an estimate for the line in the Bill now before the House.

251. Then, as far as you are aware, we have no estimate of the line before the House?—You have no estimate of mine.

252. Then you cannot give the House any information as to the cost in any way?—No, I cannot.

253. And in previous Bills that have been offered for acceptance to Parliament, have you not, as the head of the Engineer's branch of the Railway department, been officially responsible for the correctness of the estimates?—Yes.

254. This is the only exception to that practice?—Yes, since I have been in my present position.

255. Can you give the House any idea of about the total value of the rolling stock under your control?—The rolling stock is not under my control.

256. You cannot inform the House as to the value of it?—I cannot.

257. In all estimates that have been prepared under your sanction, rolling-stock has been included?—Yes.

258. In fact, the furnishing; and it would not be correct to say that an estimate of the lines presented to Parliament by a previous Government were for works simply of construction, and not for the furnishing of them?—No; the estimates for rolling-stock were always included; no doubt they were too low in some cases.

259. But the rolling stock was always included in the estimate?—It was always an item in them.

260. And you have informed the House that for that estimate you were responsible?—Not for the rolling-stock estimate.

261. But if it were included in the estimate, and you were responsible for the estimate, you must have taken the rolling-stock into account in your estimate?—There was a mixed responsibility in that matter.

262. As to street railways in America; is it within your knowledge that loss of life has ensued from their having level street crossings?—Yes, to a great extent.

263. You have not been called upon, in your official capacity, to express an opinion in anyway about this line?—I was not called upon for an opinion; I did take an opportunity to express an opinion.

264. The line now before the House?—The line now before the House.

265. How long would it take to prepare a plan for the permanent setting-out of the line, judging from your knowledge of the line?—For the short portion which has not been previously surveyed, I suppose about a fortnight or three weeks.

266. That is, the present line?—That is, from Swanston street to near the point where the line crosses the Hobson's Bay railway.

267. What width is the road in Flinders street which would be required, supposing the line of railway, with either locomotive or horse traction, were there?—[*The witness made a calculation.*] About 9 feet 8 to 10 feet, allowing 2 feet outside the rails. The usual course is to pitch the part of the road 2 feet outside each rail; there would be 5 feet 8 for the width of the gauge and the rails, and 2 feet each side would bring it up to 9 feet 8.

268. Reverting to the Outer Circle, are you aware whether the inhabitants of Heidelberg offered any guarantee to the Government upon this subject?—Yes, I believe they offered a guarantee of 4 per cent. upon the cost of the line.

269. You are aware that there is a large settled population in those districts which would be served?—Yes.

270. Have you made any estimate of that population?—No.

271. Then of course you are not responsible for the estimate of the value of property that was done by a distinct officer of the Government?—That was done by Mr. Cowderoy.

272. A very large item—really the amount of it so surprised me; the firewood traffic you estimate to Brunswick alone from Gippsland at £15,000 a year?—I believe so.

273. And of course, without bringing you to exact links, it would be a very important saving of distance in the carrying of that large amount of firewood to take it on the Outer Circle as far as Brunswick, instead of carrying it by the Direct Line, and back to Brunswick?—Yes, and it would have another very important effect; it would relieve the Spencer street station. The area now occupied at Spencer street by firewood and sawn wood is fifteen acres. That could be used for other purposes, and my view is, that the firewood at Spencer street is in the wrong place, and anyone can see that; as soon as it is unloaded, it is taken by drays upon a line parallel to that which it came in by, to the northern portion of the city.

274. Can you tell the Committee how many tons the value of £15,000 a year would represent?—60,000.

275. That would be drawn from forests, I presume, extending along one-half of the road?—That assumes it would be brought from a distance of about 60 miles from Melbourne.

276. Then, as far as that particular item goes there should be no question at all as to the superiority that the Outer Circle line would afford over any competing line at present from the country?—So it appears to me. I think I have already mentioned that of the whole quantity of timber brought to Spencer street, 112,000 tons in the year, only 20,000 tons go south of the Yarra.

277. Of course, it might appear to you another advantage in the Outer Circle line that it could be the means of connecting all the Government lines at Spencer street?—Yes.

278. Without such horse-traction engines, or any other expedient?—Yes. No satisfactory connection of the Gippsland railway with Spencer street, it appears to me, can be made approaching from the south.

279. And with regard to any suburban traffic that might be expected from this Outer Circle line, I presume no difficulty in that respect would exist upon that line greater than now exists upon the Williams-town and Essendon lines?—No.

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280. And no complaint exists of the Government management of those particular branches of suburban traffic?—As a matter of fact there are very few direct lines in the colony. The traffic from Ballarat is not only taken a long distance out of its way, but it is taken into Geelong, and out of Geelong again. There is an extra five miles there that nobody thinks much about. Then again, at Castlemaine, there is a detour of three or four miles over which the whole of the traffic is taken from the north. I do not know many of the lines that are direct. If you look at a map of England, you see very few direct lines from one place to another. It is so upon the Continent, and so in the States.

281. Have you any record of a line surveyed from the present Hobson's Bay terminus at Hawthorn to Camberwell?—I do not think any survey was made.

282. Will you be kind enough to refer to this map—[handing a map to the witness]?—It may have been made; I was not here at the time it was made.

283. Supposing that that line from the Rosstown connection never were accomplished, and assuming that the Outer Circle were made, the distance from Hawthorn to Camberwell, I believe, would not exceed more than three miles?—I do not know, I suppose it is about that.

284. And in the Outer Circle line Camberwell must be touched?—Camberwell is touched.

285. Therefore, assuming the Outer Circle line is finished, and assuming a desire of the passengers to save a circle of six or seven miles, there would be necessary only the investment of Government money upon the line from Camberwell to Hawthorn to make the link and carry the people through?—Yes. I do not know the character of the country between Camberwell and Hawthorn.

286. But that would make the circle complete?—Yes, passengers could turn off at Camberwell, and come to Hawthorn, and come into Melbourne by the Hawthorn railway.

287. Then the Outer Circle could be for the heavy traffic, horses and cattle, and wood, and so on, and this link would serve for passengers?—Yes.

288. And in point of fact that would, as far as the passenger traffic is concerned, render unnecessary the whole of this £244,000 upon the Estimates for the Direct Line to Oakleigh?—I do not know what the estimate is to Oakleigh.

289. £244,000?—That is the estimate of the cost of the line originally proposed, that is not the estimate of the line now before the House.

290. I am aware of that, but I am bound to assume that when the Honorable the Postmaster-General read this to the House yesterday he was informed that there would be no large difference between that and the cost of the present proposed line.

The Hon. H. Cuthbert.—I think I told the House that there would be a saving of £117,000, and I endeavoured to explain to the House that by saving that amount they would be able to make the Queenscliff line.

291. *By the Hon. W. Wilson.*—Mr. Higinbotham, I understand you base your objection to the proposed line—the line that is now before the House to connect Oakleigh with Melbourne—upon the class of traffic, as much as anything else, that would be conveyed to Gippsland?—Yes.

292. You estimate that the great bulk of the goods traffic would consist of timber and live stock, such as cattle?—Yes.

293. And that over two-thirds of the revenue would be derived from those sources?—One-third would arise from passengers.

294. Would it not be possible to discharge all timber somewhere near Flinders street?—I dare say it would be. It would be very inconvenient.

295. And then it would answer the Brunswick people much better to receive their timber at Flinders street than even at Spencer street. I think there would be a saving in distance. I cannot exactly state, but I think there would be a mile saving in distance for the Brunswick consumers to have their timber discharged say at the foot of Spring street rather than at Spencer street; is that so?—I do not think there would be so much difference.

296. Still it would be shorter. It would not be an increased distance?—I cannot say positively.

297. I was just looking at the map. Then that difficulty of discharging live stock would not be got over without a connection with Spencer street?—No.

298. Now, you estimate that there would be a distance of one mile fifty chains?—One mile and fifty-seven chains.

299. About fifty chains of that distance is taken up in shunting back?—Twenty-six chains.

300. That would make fifty-two chains up. Is it not possible so to fix the level of the line coming in, that it would level or even rather above the level of Flinders street at Swanston street?—It might be above the level of that part of Flinders street, but Flinders street rises to the east to Spring street.

301. Are there such great engineering difficulties in the way, that it would not be possible to make the level such that you could get on to a tramway without shunting?—I have no way of doing it.

302. But it might be possible so to fix the level of the line at that particular part without the shunting that you object to?—I do not think so. I speak, recollect, without any regular survey or levels.

303. Yes, but if it were possible, then the distance to be bridged over by the tramway would be about one mile?—It would be reduced by fifty-two chains.

304. I suppose the weekly traffic of live stock, at present, averages about 400 to 500 a week?—Five hundred a week fat cattle.

305. They would avail themselves of railway trucks at the present charge for stores. How many trucks would it require to convey 500 a week?—The average is about ten to the truck.

306. That would be about fifty trucks a week to be taken over the tram railway?—Yes.

307. Could not that traffic be easily carried at night, a bye-law being passed, and a small engine used?—It could be taken, but I believe it would be found to be an almost intolerable nuisance.

308. Supposing a bye-law were passed confining the time from midnight to two in the morning?—Yes.

309. And a small engine might be used?—Yes.

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310. In the event of being able to discharge timber at Flinders street, I apprehend the great bulk of the traffic to be carried on to Spencer street would principally consist of live stock?—Live stock and produce.

311. It would be as easy to cart produce to the centre of Melbourne from Flinders street as from Spencer street; consequently, all the produce could be discharged at Flinders street?—If you have sufficient area.

312. Then it is simply a question of sufficient area in the yards?—If you have sufficient space at the foot of Swanston street to make a station, you could discharge the goods traffic there.

313. Then I apprehend the only necessity is, where they have to ship wool direct, they have to take it on to there?—Wool?

314. Say a large quantity of wool might come, or any produce requiring to be shipped, it would be necessary to have a connection with the shipping at the wharves?—Yes.

315. Have you any idea of how many bales of wool are received by the Government lines at the present moment, that are carted from Spencer street to the Hobson's Bay station, to be shipped at the Hobson's Bay pier?—No, I have not.

316. You are aware there is a very large amount?—I do not know.

317. But still the difficulty of carting the goods, even from Spencer street to the Hobson's Bay station, although they incur an extra cost, is resorted to—you are aware that there is traffic of that kind?—No doubt, if there is traffic, it has to be carted.

318. In connection with the Outer Circle line of railway, you would recommend, I think you said in answer to Mr. Fitzgerald, that instead of availing themselves of the Rosstown railway you considered it would be cheaper to connect between Camberwell and Hawthorn?—I do not say that I recommended it.

319. It is a feasible route?—I do not know—I cannot say—I would not like to say without consulting the surveys, which I have not examined. I do not even know whether there was ever a survey.

320. Will you make an inquiry whether there is such a survey?—Certainly.

321. You are of opinion that the best method to connect the Oakleigh terminus with Melbourne would be the Outer Circle route?—Yes; and to meet the difficulty as to passenger traffic, the Rosstown railway; though I may add that I do not believe one passenger in ten would avail himself of that route.

322. Not from its not being safe or properly constructed, I hope?—Not at all from that point of view, but simply that when a man is in a carriage, with all his surroundings, he is not likely for the sake of seven miles, especially if he is a Gippsland man, and has been accustomed to being in a coach for thirty-seven hours, to be squeamish about seven miles.

323. I suppose you are aware that it is customary for Government to consult the Engineer-in-Chief upon any important undertaking, such as the extension of railways?—That has been my general experience.

324. Sometimes Government do take the bit in their teeth?—Certainly, and I never complained of their doing it.

325. But you have differences of opinion as to what railways ought to be constructed for?—Yes.

326. And the Government of the day have thought it right and proper, from a political point of view perhaps to construct them at a lesser rate than you thought desirable or safe?—The Government have put forward estimates lower than my estimates, but I do not think any railway line has ever been constructed at those rates—at the Government rate.

327. Still such a conflict of opinion has taken place?—Yes.

328. *By the Hon. T. J. Sumner.*—You have formed your opinion consistently and you consistently adhere to it in spite of other opinions, is that the case?—When I have expressed an opinion, I have expressed it after the best consideration I could give to the subject, and having given it I adhere to it, unless I see reason to change it.

329. *By the Hon. J. Balfour.*—You spoke just now as to the question of area at the Flinders street station for a goods station?—Yes.

330. I understood you that there was not sufficient area for a goods station there for the traffic that might come from Gippsland?—That is my opinion, and I do not think the area could be made sufficient without enormous expense.

331. Have you not heard that it was intended to increase the area by going back as far as Jolimont and taking up vacant land there?—Yes.

332. If the line came in upon the same level, would it be possible to take in that area without going to great expense?—No; the sidings at Jolimont would be upwards of thirty feet I believe lower than the sidings at Flinders street.

333. Then that would involve very large expense in embankments?—I think it would not be practicable.

334. *By the Hon. Dr. Dobson.*—I understood it to be a part of the Government scheme to take what is called "right of haulage" from the present station to Sandridge?—I do not know.

335. Supposing you as an engineer admit such a term as "haulage," what does it mean?—I suppose it means taking running powers.

336. Can you see any distinction between the terms "right to haulage" and "running powers"?—Well, it might be that the Government would propose to arrange terms with the Hobson's Bay Company for hauling the amount of traffic—that would be a separate thing from running powers, which would mean running Government engines and trains over the Hobson's Bay line.

337. Would that be less objectionable than taking running powers?—If you make one arrangement, I suppose you could make the other.

338. As to a question put to you before, as to the desirability of the main line from Gippsland to Melbourne being in the hands of the Government, the main line would not be in the hands of the Government if these haulage powers were taken into Sandridge, assuming Sandridge to be the terminus?—No, of course not, because part of it would belong to the Hobson's Bay Company.

339. *By the Hon. G. F. Belcher.*—If the Outer Circle line were adopted, would it be necessary to increase the accommodation for goods at Spencer street?—The accommodation at Spencer street must be increased and largely increased, at any rate.

340. In what way?—By building new goods sheds, if the passenger station is to remain there.

341. But for goods, would it be necessary to get an area by filling up towards the swamp?—It would be desirable to fill up as much of the swamp as possible, if the material can be obtained.

342. You said, I think, that that would be an enormous expense?—It would.

343. Have you any idea of the amount that would be required to put the Hobson's Bay line in order sufficient to run the Government trains upon it?—I made an estimate, I think it was last year, of the cost of putting that Hobson's Bay railway into good running order, not making any improvements, but putting it into what I call good running order. The amount, I think, was £126,000.

344. *By the Hon. T. J. Sumner.*—I understand you to say that the present railway accommodation, in the shape of goods sheds and so on, at the Spencer street railway reserve is amply occupied by the traffic now brought upon it. I should like to have your opinion as to whether the reserve not already occupied can be made available for future railway accommodation, and to what extent?—It can be made available.

345. What area is unoccupied and not appropriated to particular purposes?—I cannot tell you at this moment, but I can get you the information.

346. I only want rough information. Can you tell us within two acres or ten acres—is there as much ground unoccupied as there is at present occupied that can be made available?—There is as much more area, but to make it available it would have to be raised; but if it were made available we have no funds to put up goods sheds.

347. The question of room was suggested by the honorable member Mr. Balfour. Now we find, from the answer I have elicited from you, that there is room there, if it be made available?—There is room.

348. *By the Hon. J. P. Bear.*—Supposing the Outer Circle line were made, what important branch lines would that accommodate, could you tell the Committee?—It would accommodate all the suburban lines that have been proposed on the north and north-east sides of the city.

349. Will you state any of them?—The line to Brunswick, which it is proposed to continue to Preston; the line to Heidelberg; the line to Lillydale.

350. Those are the three?—Those are the three that have been proposed—the three that are necessary, or will become necessary.

The witness withdrew.

Robert Watson, Esq., C.E., called and examined.

351. *By the Chairman.*—Are you Resident Engineer of the Victorian railways?—Yes.

352. *By the Hon. Sir C. Sladen.*—I believe you have been engaged in surveying the Direct Line from Swanston street to Oakleigh?—I have made an approximate estimate of the cost of that line.

353. Have you surveyed it?—There has been no survey made of the first portion of that, as far as I know.

354. What portion of it has been surveyed?—Shortly after crossing the river it joins the line that was originally surveyed upon the south side of the river.

355. Where does that commence—does it commence near to the river?—The point at which it joins the original line is about twenty or twenty-five chains after it crosses the river.

356. Before it cuts the Hobson's Bay railway?—No, after it has crossed the Hobson's Bay railway once.

357. As I understand the line now, it crosses the railway between the railway bridge and Gardiner's Creek road station—is it from there that your survey has been made?—The line which is now called the Direct Line joins the line which was surveyed through the Botanical Gardens about twenty chains after it has crossed the river, and from that point to Oakleigh the survey has been made—at least the section has been taken.

358. I have nothing to show me where the original Direct Line through the Botanical Gardens goes; we have nothing before us showing that; therefore I do not understand the point?—If you take twenty chains on the red line after the crossing of the river you will find the point where it joins the line through the Botanical Gardens.

359. Is the line from that point the same as was originally projected through the domain?—Precisely.

360. And that is the portion that you have surveyed?—The portion that has been surveyed is from that point to Oakleigh; the portion between the Swanston street station and that point has not.

361. I understand that that survey was made by yourself personally?—Not by myself personally, but under the direction of Mr. Darbyshire, who had charge of the preliminary surveys at that time.

362. Under your supervision?—Not under my supervision. Mr. Darbyshire had charge of the preliminary surveys.

363. Are you cognisant of it yourself?—I have been over the country and I have examined the sections.

364. Are you competent to express an opinion upon the survey?—Not as to the survey, but I have made estimates from the information that was gained by the sections.

365. Were you satisfied that you had sufficient data to make your calculations upon?—As much for that portion of that line as we have for the generality of lines we have to make estimates for.

366. Is the work then generally not done thoroughly?—There has been no actual survey from the suburban station to the point I have indicated.

367. There has been none made at all?—No survey made.

368. How have you been able to make your calculations upon that?—The line is level, or practically so, from the Swanston street station to nearly twenty chains past the river, and nearly the whole of that length that has been estimated would require to be on a viaduct; there could be no great difficulty in making an approximate estimate with information such as that.

369. How was that viaduct proposed to be constructed?—With timber similar to the bridges and viaducts lately constructed upon the Victorian railways.

370. What length of viaduct would there be?—I think it is 72 chains altogether.

371. What will the level be above the present level of the railway line—the level of the permanent way?—About 12 feet on an average, and that is necessitated by our having to go over the Hobson's Bay railway at a high level further down.

372. What is the length of the bridge across the river?—It is all bridge for 72 chains including the crossing of the Hobson's Bay railway and the river.

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373. But I suppose the span across the river will involve different construction from a viaduct on the land?—Yes; I have taken 528 feet to cross the river and Hobson's Bay railway, at a little more than double the price per lineal foot than for the other portions of the viaduct.

374. Will that be in more than one span?—I do not think the spans need exceed 40 feet each.

375. Would that be a wooden bridge?—A wooden bridge.

376. Then it cannot be in one span?—It need not be in one span.

377. Would that be an expensive bridge?—Five hundred and twenty-eight feet at £7 10s. per foot, which we know from experience is quite sufficient for bridges of that description.

378. What does that amount to?—£3960.

379. Is there any severe gradient from there to the intersection of the Hobson's Bay railway, from where it crosses the river?—No, the gradient may be very easy there.

380. At what level will the bridge be across the river; would it be upon the same level as the Hobson's Bay railway?—No; it may fall several feet at the brink of the river lower than will be necessary at the crossing of the Hobson's Bay railway.

381. Therefore, there would be a considerable gradient, would there not, to overcome, to cross the railway?—No; the distance from the crossing of the Hobson's Bay railway to the crossing of the river is about 40 chains, and the fall would be only perhaps about 6 or 8 feet, so that the gradient would be very easy.

382. That is, 6 or 8 feet between the level of the two permanent ways?—Six or eight feet from the intersection of the Hobson's Bay railway to the intersection of the river, a distance of 40 chains.

383. But you cross the Hobson's Bay railway at a considerable elevation; is that not so?—The level of our line is about probably 15 feet above the Hobson's Bay railway, but I think not more than that.

384. What would be the gradient from the bridge crossing the river to the bridge intersecting the Hobson's Bay railway?—I do not think more than 1 in 150.

385. Then you cannot speak with regard to the survey any further on?—I have simply seen the sections that were taken, and I have seen the line as it is laid down on the plans that are in existence. There has been no actual survey made—not such a survey as would be made in making application for a railway Bill at home.

386. Is it an easy country to go through?—The gradients are steep nearly all the way—for a considerable distance the gradient is 1 in 50.

387. I suppose you would be on a descending gradient from the crossing of the Hobson's Bay railway?—From the Hobson's Bay line to the crossing of the river there would be a slightly descending gradient.

388. But beyond that—eastward and south?—I cannot speak of the portion between the crossing of the river and the junction with the line that goes through the Botanical Gardens, because no accurate section has been taken between those two points.

389. Am I to understand, that it is possible to make an approximate estimate of the cost of a line where there is only such an imperfect survey as that of the line?—Very frequently estimates are made from information as scanty as we have in this instance.

390. Is that unavoidable?—It is a mere question of time—when you are pressed for them.

391. Is the department pressed for them with regard to this line—I understood that this is no new line, that this is a line that was originally inserted in the original schedule?—I do not know what you refer to as the original schedule.

392. I suppose you know that there is a Railway Bill before Parliament at the present time?—Yes.

393. And the first schedule in the Bill deals with the Direct Line from Swanston street to Oakleigh?—Yes.

394. Are you aware of that?—Yes, I know that.

395. The schedule was not in the Bill which was originally introduced, but the schedule in the Bill alluded to another line which went through the Botanical Gardens, and as I understood you, was connected to the present line you speak of somewhere between the river and the crossing of the Hobson's Bay line?—There was only the time between the introduction of the first schedule and the second for the preparation of this line, which I believe was very short indeed. I have not the dates.

396. I beg your pardon; you do not understand me. You tell me you made an estimate for the original line which was projected to go through the Botanical Gardens?—No, I never had anything to do with any estimate in connection with that line.

397. Then, may I ask what you know about this line at all which is before us, because I do not quite understand the position now. I have been under a misapprehension all the way through. I understood you were responsible for this line?—I am responsible for this line, but, as I said before, I had nothing to do with the estimate for the line that was in the first schedule submitted to the House.

398. But this is the same line as that, except the portion that did go through the Botanical Gardens?—This line is upon the north side of the river.

399. I understood you to say just now, that after this line crosses the river from the north side to the south side it joins the line originally projected through the Botanical Gardens?—That is the case.

400. I thought so; then there has been plenty of time to survey all that portion of the line?—After it was found that the line that was in the original schedule was objectionable, that was taken out from the Bill, and, as I understand it, this line had to be prepared between the time that it was taken out and the amended schedule was presented to the House.

401. But the great length of that line is still part of this line?—Yes, that is so.

402. Then I am speaking now with regard to that; I want to know what evidence you can give to the Committee with reference to that portion of the line?—Beyond where the two join towards Oakleigh?

403. Yes?—I can only say that I have seen the section and been over the ground, and seen the position of it upon the plan.

404. Have you satisfied yourself by what you have seen that you are in a position to make reliable estimates—approximate estimates of course I mean?—I am in quite as good as I have often been before. I have no doubt in the world that the estimate I have now prepared is ample for that portion of the work. When we are called upon to make estimates with what we consider insufficient information, we allow a pretty good margin, and an estimate made upon full information would be probably less per mile than an estimate made upon imperfect information.

405. Then you must have misunderstood my question, because I wished to ask you with reference to the line towards Oakleigh after it crossed the Hobson's Bay line?—Yes.

406. And I ask you whether there are any engineering difficulties?—No.

407. Is the country difficult to get through?—Oh no, it is not difficult.

408. You tell me there would be rather a steep gradient?—There is, but it does not necessitate very heavy works.

409. The line is easy, I understand, from the Hobson's Bay railway?—It is not a difficult country.

410. Are you in a position to inform the Committee what is likely to be the expense of the line as between Swanston street and this point where it joins the old line?—I have not that portion separate from the other, but I could provide it. The estimate I made is for the whole length from Swanston street to Oakleigh; it is not separate.

411. What is the whole line then?—£126,602.

412. You cannot say what portion of that is due to the line upon the north side of the river?—No.

413. And you are not in a position to say anything with reference to a site for the station, or the levels?—Only from recollection of the level of the rails as they are at present at the suburban station. I should think from recollection they would be about five feet lower than the level of Flinders street opposite to them.

414. Is there any great difference of level between that point at Swanston street and the ground as it approaches and is nearly opposite Spring street, between Stephen street and Spring street?—The ground rises very rapidly from the intersection of Swanston and Flinders streets towards Spring street, and then falls rapidly further eastward.

415. Have you considered how long you would be able to get the goods traffic into Flinders street, with a view to taking it on to Spencer street?—I have only seen the suggestions offered upon this map. I have not been upon the ground to see particularly, nor have I taken any levels to see how it is practicable to get from the Direct Line to Spencer street.

416. Would it be practicable at all to bring the level of the line upon the viaduct, to bring it nearly level with the part of that near to Flinders street?—It would be practicable.

417. Would it not involve rather a steep gradient?—No, not a very steep gradient; but a considerable quantity of filling would be required.

418. How would it affect the gradient to the station in Swanston street: there would be a considerable gradient there, would there not?—As I understand you, you wish to come in at a higher level. There would be a rising gradient near the station, which is an advantage for the arriving and departing trains.

419. I understood there would be a considerable difficulty in getting the goods trucks from the line into Flinders street with a view to put them upon a tram to convey them to Spencer street, and that that difficulty consists in having to shunt them up a rather steep gradient, from some distance of course?—I cannot speak of that, but I cannot conceive the necessity of any steep gradient; but I cannot speak positively.

420. Do you know the difference between the gradient at that point in Spring street and the old suburban railway station?—I do not know the difference in level.

421. How have you been able to satisfy yourself, as you have seen so little and have taken so little means to know, what are the requirements, that the £127,000 will cover the cost from one end to the other?—In the first place, I have taken the Government Valuator's estimate of the value of the land, and applied that.

422. That valuation of the land has been made by whom?—Mr. Cowderoy.

423. Do you know at what time that was taken?—Not very long ago. It was made for that estimate which Mr. Darbyshire prepared not very long ago.

424. You say not long ago; has it been more than a year, do you think?—I cannot say how long it is since, because there is no date upon the estimate.

425. Does that estimate take into consideration the station?—I put down the sum of £3000 for the station; it is impossible to say what accommodation would be required. The instructions I received were to confine myself in making the estimate entirely to passenger traffic, making no provision whatever for goods.

426. But you would have to make provision I suppose for connecting the goods with a tramway in Flinders street?—My instructions were to confine myself entirely to an estimate to provide for passenger traffic.

427. Then, so far as you know anything about it, the goods traffic will remain at the station as it comes in in Swanston street?—There would be no goods traffic, so far as I am concerned.

428. If there were goods traffic, would it make the line more expensive?—I do not think so. A station and accommodation for goods of course would have to be added, but as to the general construction of the line there is no necessity to make it more expensive in the one case than in the other.

429. Then as far as that station is concerned, your instructions were merely to prepare what was necessary for the passenger traffic?—Simply for passenger traffic.

430. Who takes the sections, that is to say, from whom did you get the data upon which you based your estimates?—I based my estimate upon the sections that were used by Mr. Darbyshire for making an estimate from the Immigrants' Home to Oakleigh; I took the same amount of earthwork that he had to, knowing it must be ample to apply that to the two lines for which I was making comparative estimates.

431. When did Mr. Darbyshire take them?—They were taken about two years ago. They were not taken by him personally, but they were taken under his direction.

432. And were they taken, do you know, with a view to carry out this Direct Line?—They were taken with the view of submitting that line amongst others for the consideration of the Government, whether with a view of its being carried out or not, I cannot say.

433. And you have satisfied yourself—you have been over the line and satisfied yourself that they are correct enough for your purpose, to enable you to make an approximate estimate?—Yes, I am quite certain that the estimate, especially for the earthwork, is in excess.

434. How long would it take you to complete that estimate—to make a complete estimate with a view to making your ultimate calculations?—After I got the section I could get the estimate ready in a few days.

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435. But I am alluding now to the permanent survey—before you are in a position to call for tenders, for instance, how long would it take to complete those preliminary surveys?—The preliminary survey would be completed perhaps in a fortnight or three weeks—that is, a preliminary survey upon which I should be able to make an estimate, but the permanent survey would depend upon the number of parties of surveyors that were put on.

436. But, as a rule, you know pretty well the strength you have and the work that has to be done—would it take any great length of time?—As a rule, one survey party will complete a quarter of a mile a day under favorable circumstances. The survey would be much more intricate for nearly the whole length of this line, than it is generally throughout the colony, in consequence of the large number of buildings that would have to be surveyed, so that a surveying party would not do nearly so much as a quarter of a mile a day, and there are nine miles.

437. That would be 36 days?—Thirty-six days.

438. For one party?—One party, of course; two parties would not do twice as much in the same time as one party. One party going straight through would do it at less cost than two, or three, or four parties.

439. Not reckoning the whole of the time?—No.

440. The line upon the north side of the river does not touch private property, does it?—Very little. It touches private property immediately after it crosses the river.

441. That is, on the south side of the river?—Yes.

442. But upon the north side?—I do not know how far you would call a cricket-ground private property—it only touches a small portion of the East Melbourne cricket-ground, and the Hobson's Bay railway, and the Lonsdale cricket-ground.

443. Do your instructions at all direct you to avoid, as much as possible, public reserves or parks?—Yes.

444. And has the projected line now carried out that instruction?—As well as it could. Of course it goes diagonally through what is called the Yarra Park, but it does not interfere with either of the cricket-grounds, except those that I have named.

445. Was that quite unavoidable?—Yes, there is no other way of getting at all in that direction.

446. Have you had experience in surveying for railways elsewhere than in Victoria?—Yes, in England.

447. Have you in the neighborhood of the metropolis, or in the metropolis?—No, not near the metropolis.

448. Are you aware that there is not a railway anywhere in the metropolis, or its precincts, which touches a reserve or a park?—I think it is very likely that there is not one that touches a public park. I know that the people at home are very tenacious indeed of their rights in that respect. I am not aware of any railway near London that touches any.

449. As a fact, there is not a single park or public ground that is touched by a railway in London. Now, where you have an enormous number of lines and population very close, and so on, the comparison there would not be so good as you might expect here in a younger country, and the ground not nearly so much occupied as that you would not be able to steer clear of reserves of that kind?—It is not possible in this instance to avoid the Yarra Park. The Hobson's Bay line already goes through it.

450. I suppose you call the series of cricket-grounds——?—It is all called Yarra Park.

451. Of course, I know that the railway must go through Yarra Park, but I allude now to a number of places where money has been spent by people for recreation purposes—could they have been avoided?—I do not see how they could be avoided entirely; in fact, a better line than has been selected could have been got through what is known as the Friendly Societies' grounds, and it was taken in a worse position simply to avoid that ground.

452. Is there any particular reason why it should avoid the one ground more than the other?—I think a glance at the line will show that it is impossible to avoid the Yarra Park.

453. I quite agree with that?—And we have avoided the cricket grounds and the Friendly Societies' gardens as much as possible.

454. That is to say, it is a choice of two evils—either on the south side it must go through the domain, or on the north side through the Yarra Park?—But the cases are very different indeed—the damage done to the public by interfering with the Yarra Park is not to be compared to the damage done by going on the south side of the Yarra through the domain and in the Botanical Gardens. A stranger would scarcely know that the Yarra Park was a park.

455. Will there be then in this viaduct which carries the railway through the Yarra Park the means of passing under it?—Oh, yes; it may all be open; there need be no fencing.

456. Even for carriages?—Carriages could pass—the height would be about twelve feet.

457. So that it does not cut off any outgoing anywhere?—No.

458. Then you are not able to give the Committee any information with reference to the station?—Not beyond what I have said. I have put down the sum of £3000.

459. I am not alluding at present to the cost, but rather to the site and to the ground that would be occupied?—At the suburban station?

460. Yes?—I am not able to give any information further than what I have given.

461. Perhaps you could give this information—is it actually determined where the site of the station shall be—that is to say, will it be confined within the line laid down in the schedule, beginning at fifty links from the corner of Swanston-street as the outer line of the railway?—

462. It is a single line, is it?—Yes, a single line.

463. Then the railway will extend half a chain further in, or will it extend a chain in?—That depends upon the accommodation required for the buildings.

464. How will that affect the Hobson's Bay line?—It is not supposed to interfere in any possible way with the Hobson's Bay line except this portion of it—this is a portion of the Hobson's Bay line.

465. But if it extends a chain in from the line of Flinders street it would be very close upon the Hobson's Bay line, would it not?—There need be no buildings whatever upon the south side.

466. What kind of buildings do you allude to?—There need be no buildings there—the station is on the opposite side.

467. But you are aware that the property of the Hobson's Bay line extends to the eastward of Prince's Bridge?—Yes; and it is a portion of the Hobson's Bay line property that the Government proposes to take for this railway.

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468. What I want to ascertain from you is, if you can give the Committee any information as to how much they propose to take?—I presume all between what the present Hobson's Bay Company require for their line and Flinders street.

469. That is to say, from their permanent way?—From their line.

470. But according to the schedule, there is a deviation allowed of twelve chains I think?—Yes.

471. Would it be usual in starting a railway in the neighborhood of very valuable property in the metropolis to make use of that deviation after the Bill has been passed by the Legislature?—It would be very unusual.

472. In a position of that kind?—In a position of that kind, where property is valuable.

473. How long do you take it that this line would require to be completed so as to connect Melbourne with Oakleigh?—From the time of its commencement, I think eighteen months ought to be sufficient.

474. You think that ought to be sufficient?—From the time of its commencement.

475. Of course you expect—I do not know whether that comes within your line of duty—but you expect, of course, that there will be considerable goods traffic by this line?—I have not given very much attention to that; it scarcely comes within my province.

476. In laying out a station and the levels generally upon the approach to the station merely for passenger traffic, the question of how the goods traffic is to be shunted off from that would not matter very much. At whatever level you chose, the goods traffic could be disposed of?—Yes, at whatever level, within reasonable limits, the passenger traffic is brought in at, it might be made available for getting from that point to Spencer street.

477. But it would make a considerable difference as to whether the level was higher or lower in reference to Flinders street?—It would make a difference no doubt.

478. And it would make a considerable difference in the cost of shunting to get into Flinders street?—It would make a difference no doubt.

479. You know nothing of the traffic receipts of the line, I suppose?—I do not know.

480. *By the Hon. H. Cuthbert.*—Have you got a copy of this plan before you?—I have.

481. As I understand, it is proposed to utilise the old suburban station and to make that a passenger station?—I understand so.

482. What was being done with that by the Hobson's Bay line until recently?—I think it has been used for coking, but I have been scarcely inside the place for years till recently—how it has been used for years past I have no notion.

483. Did you see the place yesterday—did you pay a visit to this suburban station yesterday?—Yes, I was there yesterday.

484. Did you find whether the Hobson's Bay Company were doing any new work to it or not?—They were repairing the platform wall.

485. That is recent work?—They were doing it yesterday.

486. Would you kindly describe to the Committee shortly, starting at Swanston street, at the suburban station, how it is proposed to construct this line? You have been over it, and if you will just start at the station and describe from the station until we come to the river first of all?—Starting from the point at which the description in the schedule commences, for the first twenty chains I think there would be very little required to be done to the line.

487. There is a line of rails there now—now after leaving that twenty chains?—For a considerable distance, perhaps ten or fifteen chains, there would be a considerable embankment, then the viaduct would commence.

488. Commencing with the viaduct, how far would you carry the viaduct?—The viaduct would commence probably about fifteen chains before crossing the Hobson's Bay line. Up to the present point it has been carried very close to the Hobson's Bay line; but in order to cross the Hobson's Bay line at not too acute an angle it is necessary to curve northwards and then curve back across the line, otherwise the angle would be very acute, and in order to give the twenty-six feet of span necessary to work the Hobson's Bay traffic the girders would probably require to be eighty or ninety feet long; but by crossing at an angle of about thirty degrees, which is accomplished by first deviating from the actual line and then coming back to it, you get a crossing with a span of about fifty feet. The viaduct continues after crossing the Hobson's Bay line.

489. Pardon me a moment. Then you intend to cross the Hobson's Bay line at a height of twelve feet?—Fifteen feet, I think I said.

490. Crossing from that, how do you proceed then?—With the viaduct still, with spans of probably about fifteen feet to the brink of the river, then by a bridge with spans of about forty feet for 528 feet.

491. One moment. Now the cost of the viaduct, until you come to the bridge, you estimate at how much per foot?—Excepting the portion which crosses the Hobson's Bay railway, £3 a foot.

492. And that part which crosses the Hobson's Bay line?—The same as that which crosses the river.

493. You have already given us the cost of crossing the river; now, having crossed the river, how do you proceed?—Then I have estimated that a viaduct, similar to the one on the other side, would be required for a distance of about twenty chains.

494. Would that be at a like cost of £3 a foot?—That would be also at the rate of £3 a foot.

495. Then how would you carry it on?—After that it would be ordinary cutting and filling just the same as any other railway. I cannot describe it without the section before me.

496. No engineering difficulties in the way?—No engineering difficulties, but there is the crossing of the Hobson's Bay railway there.

497. Whereabouts is that second crossing—is it at South Yarra?—About half-way between the present bridge over the Yarra and the South Yarra station.

498. How do you cross the Hobson's Bay railway there?—By a bridge over their railway.

499. And then from that on are there any difficulties in the way?—There is a bridge over Chapel street and a bridge over Toorak road. After that there are no difficulties except that there are a large number of level crossings.

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500. Had you sufficient material before you, Mr. Watson, to justify you in forming a probable estimate of the cost?—I stated in my report at the time that mine was an approximate estimate, rather calculated to give the comparative cost of the two lines than the actual cost of either, but I am quite certain that the figures I have put down are amply sufficient to construct either.

501. And that this line, which we are now speaking of, can be constructed for your estimate of £127,000 in round numbers?—I have no doubt about it.

502. I suppose having the terminus at Spencer street would be a central position and convenient for passenger traffic?—I think so.

503. Now at the other side, do you know whether there is any Crown land available for railway purposes about Spring street—at the foot of Spring street?—I think there is land available; that is, assuming the Government were to take possession of the East Melbourne Cricket Ground. There is land as far back as Jolimont. I do not know how far the Hobson's Bay Company's land extends.

504. Would that be a good site for storing timber and heavy products, such as are likely to come from Gippsland?—Considerable expense would have to be gone to to level it—the ground falls very rapidly from about Stephen street, and, I think, down to the Hobson's Bay railway.

505. Have you formed any opinion about the cost of conveying goods from Swanston street to Spencer street?—No, I have not.

506. You considered your duty done as soon as you estimated the cost as far as from Swanston street?—Precisely.

507. *By the Hon. N. Fitzgerald.*—I presume, Mr. Watson, that you admit the necessity of connecting all the lines with the central depôt of railways at Spencer street?—There can be no doubt about the desirability of it.

508. You have just said that the cost of this further connection has not been included in your estimate, that is, a rail along the level of Flinders street?—That has not been included.

509. Then that £127,000 practically means the cost of a railway for the convenience of passengers from Oakleigh to Swanston street?—That is all, and the connection of the Sale line with Melbourne.

510. Swanston street and Oakleigh is to cost £127,000?—Yes; but I understood you to say that that was simply for the accommodation of Oakleigh and Melbourne.

511. No, pardon me, I say of the Gippsland line, it is to be the cost of connecting the Oakleigh line with the terminus in Melbourne, it would be £127,000?—Yes.

512. And you cannot form any idea of how much that would be increased if goods were to be carried in the same direction?—I have not made any estimate.

513. Therefore, the House is to understand that this £127,000 was practically only for the convenience of passengers, as far as you know?—As far as I know.

514. So that, if some other means of conveying passengers was devised, this £127,000, as far as you know, would be practically saved?—Yes.

515. You told us that your estimate was practically more a comparison than an estimate. You turn it into an estimate by giving your assurance that it would not cost more, but really it is more a comparison than an estimate; for instance, you take the earth works that Mr. Darbyshire took. You say this is the same sort of ground, and there is about the same amount of ground, it is more an estimate than a comparison?—I had no other means.

516. The estimates for the other lines now finished and in use were made in a more perfect and more professional manner than this, owing to the hurried manner in which you had to do this?—Some were not.

517. Were any borings taken to ascertain the nature of the ground?—No, it is not usual to do so.

518. But soils differ, and in some soils, if you had a long viaduct, you would require to bore to find whether you had to pile or not?—We should no doubt do so before letting the contract.

519. And if you found you had to pile, it would make a great difference in the contract?—No doubt.

520. Therefore, the estimate is, after all, as I said, more a comparison than an estimate?—The same as many other estimates have been before.

521. Then that is more a reflection upon the department. May I ask from whom you received instructions to make this comparison or estimate?—The Honorable the Minister of Railways.

522. In previous estimates of railways did you receive your instructions from the Engineer-in-Chief's department, or from the Commissioner?—Generally from the Engineer-in-Chief.

523. Then in this case the usual practice was departed from?—Yes.

524. Then you feel yourself professionally responsible for the correctness of these estimates?—I do.

525. But I think you told us that some explanatory statement accompanied it. When you gave in this estimate you added some explanatory statement to protect yourself from unforeseen expenses?—I do not remember saying that.

526. I beg your pardon, I thought you said it. You do not know the exact extent of the ground where the proposed terminus is intended to be?—I do not.

527. You said that the Hobson's Bay railway did not require it. I presume you meant that they are not using it?—I am not aware that I said they did not require it.

528. I took down the words. Of course you can form no opinion as to what they do or would require?—Certainly not.

529. In your estimate of £127,000 did you include any rolling stock?—Yes.

530. Passenger carriages only?—I got the usual figures for rolling stock from the Locomotive Superintendent.

531. And you made no provision for the goods station. I apprehend you would not take into account anything but passenger carriages?—I do not know how he arrived at that estimate. There is a given sum there for rolling stock on the line, £603 per mile, and I adopted the same estimate.

532. That is the estimate that would be given, say, from Oakleigh to Sale?—Yes, probably so.

533. Then, without making any provision for goods station, you did in the estimate make provision for rolling stock for goods?—Yes.

534. On the extended line from Oakleigh to Melbourne?—Yes.

535. And you do not know what the character of the stations would be? You said the £3000 was for the terminus?—Yes.

536. No provision made for any intermediate station?—No.

537. *By the Hon. T. J. Sumner.*—You heard the evidence given by the previous witness, your chief?—Yes.

538. I want to ask you a question as to the policy of connecting the three suburbs with Melbourne. You heard what he said, and I want to know if you approve of his very strong adhesion to his first recommendation of the Outer Circle in preference to the others, or do you disapprove of it. If you approve of it, it would be enough to say so; if you disapprove of it, it would be very convenient to know why?—I never approved of the Outer Circle line as the connection between Sale and Melbourne, because of the much greater distance that everything would have to be conveyed.

539. I would remark that, if you listened attentively to the evidence of the Engineer-in-Chief, he showed how a provision could be made to shorten the distance for the convenience of passengers from Oakleigh to Swanston street at very little cost, while there would be an immense saving of cost, as I understood, in carrying heavy bulky goods close to the cattle markets, timber close to Brunswick, where 60,000 tons are consumed, and other conveniences besides that, such as relieving the traffic at Spencer street. Did you hear that?—Yes.

540. Have you any objection to the arguments put forward by Mr. Higinbotham in any way?—The connection which the Engineer-in-Chief proposed would necessitate either the purchase of the Hawthorn line, or taking running powers over it, or making some terms with the Hobson's Bay Company, and I am of opinion that it would be better to take running powers from Elsternwick, and to construct a line from Elsternwick to Oakleigh. I may add that the line to which the Engineer-in-Chief referred just now, and seemed rather uncertain whether it was surveyed, was surveyed, and is shown, I believe, upon the map already in the possession of honorable members; and, if not, they can see it here—[*producing a map*]. It is shown in purple on the map.

541. The question I put, I think I intended to put in a comprehensive way; but I do not consider that I have got exactly the answer to it. I asked if you had listened to the evidence of the Engineer-in-Chief, and if you have any objection to the scheme which he strongly recommends of the Outer Circle, and if such objection in your mind does exist, you would explain to us why it was, and if such an objection does exist, it would be very convenient for us to know upon what ground it does exist. The one suggested by the last witness was, I thought, of a political character with which he has nothing whatever to do. I want to know from an engineering point of view, and from a practical point of view; no doubt he can tell us whether the Outer Circle is a good line or a bad one, whichever he can prove to be best is the one to be adopted?—The objection is the one I stated just now, that people have to travel over an additional seven miles coming in from Gippsland; and I think I have sufficiently explained why I do not approve of the Engineer-in-Chief's proposition, to give the passengers the advantage of coming in by way of Hawthorn.

542. *By the Hon. N. Fitzgerald.*—By way of Rosstown the Engineer-in-Chief said?—Then the Engineer-in-Chief and I are at one. I understood him to express the opinion that it might be advisable to make a line from Hawthorn.

543. No, that was my suggestion only?—Then I agree quite with the Engineer-in-Chief, and if running powers are to be obtained from the Hobson's Bay Company, I would prefer the Government should make the line from Elsternwick to Oakleigh rather than see the Outer Circle line made.

544. *By the Hon. J. Graham.*—You said just now, that you would prefer seeing running powers taken over the Hobson's Bay line from Elsternwick?—In preference to Hawthorn.

545. Have you any knowledge of the permanent way or the bridges of the Hobson's Bay line from Elsternwick into Melbourne?—No particular knowledge; nothing beyond travelling over it occasionally.

546. Can you give the Committee any information as to whether you consider those bridges or the line would carry the heavy traffic into Melbourne from Gippsland?—I cannot express an opinion.

547. *By the Hon. R. Simon.*—I see the proposed line from Melbourne to Oakleigh is to cross the Hobson's Bay railway twice within a short distance from Melbourne. May I ask what are the engineering advantages of crossing the line twice in that short distance, or if this could not be obviated altogether by having a bridge over the Yarra in the hollow, and coming that way into Melbourne?—The objection to going on the north and east side of the Hobson's Bay railway is that the line would have to cross Swan street and the Hawthorn line. Swan street has a large traffic every day, and a level crossing would be very objectionable. The line proposed by the honorable member would pass very close to where there is a level crossing on the Hobson's Bay railway. That line, too, would be rather longer than the one suggested.

548. And more expensive?—I do not think more expensive.

549. You have already said that cost £3 a foot, or something like that, carrying the line on piles across the swamp, and twice the amount, or £7 10s., for crossing the railway and crossing the river?—If the Hobson's Bay Company insisted, as no doubt they would, that the Government line should be carried across their Hawthorn line by a bridge, the cost would be just as great as in the other case, for that would necessitate a viaduct of as great length as in the other case; if the Hobson's Bay Company consent to our crossing their line on a level, the cost in both cases would be very much reduced.

550. Have you grave objections, as an engineer, to taking running powers over another line of railway?—I scarcely feel competent to give an opinion upon the matter. I do not know the terms upon which they are given.

551. Or to make a line of rails along the street to carry the traffic from the proposed depôt from Swanston street to Spencer street along Flinders street?—I do not think there is any very great objection to a line of railway in the street. I have recently had an opportunity of seeing railways and tramways in the streets of London and several continental cities, and really I have been surprised to see how little objection there could be to them.

552. Are not the objections to that system of tramways very much lessened by the fact that steam rollers are now in use in the city of Melbourne, and are quite as much nuisance to the horses and detrimental as the steam engine would be?—I do not think the cases are precisely similar; the greatest objection to a tramway is, that it is said cart wheels get wrenched off. I never heard of such a thing at home. I have heard it spoken of here by those who are opposed to the street tramways.

553. The expenditure of £126,000 or £127,000 you give in here is merely for the passenger station at Flinders street?—That is all.

554. Could you give the Committee any idea of what the cost of making a goods station there would be?—I should like to know what kind of a goods station you would want.

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555. A goods station fit to receive the traffic coming in upon this line?—We have erected a large number of goods sheds of different descriptions on the Victorian railways lately. If I were informed as to the amount of accommodation that would be required, I could make inquiries and find exactly what the cost would be.

556. Would it be necessary in working this line in the manner proposed that workshops expressly for this line should be put up there at the station?—Not at all, if there is a tramway connecting the suburban railway station with the Spencer street station, it should be of such a character as to admit of engines and rolling stock going slowly along, and there would then be no necessity for separate workshops at Swanston street.

557. *By the Hon. Dr. Dobson.*—You told us that in your estimate of this line you included rolling stock at the ordinary rates in the other parts of the colony, namely £603 a mile?—Yes.

558. But taking the amount of goods traffic that that would be supposed to accommodate, would not that give you an idea of what the additional station accommodation would require to be at Swanston street?—I think these questions would be much better answered by the Locomotive Superintendent, or the Traffic Superintendent.

559. In regard to the amount of space at Swanston street, I understood the Engineer-in-Chief that there was not room enough there for goods accommodation unless you went back down to Jolimont—do you agree with that view?—I do not like to express an opinion about that without seeing an accurate plan. I have no idea of whether the goods sheds of the suburban company are sufficient, or whether there is land sufficient to make them sufficient.

560. Assuming his opinion to be correct, for the sake of argument, that there is not enough room at Swanston street, and that the level of Jolimont is 30 feet lower than Swanston street, would it be convenient for railway purposes to build a station with one part 30 feet below the other part?—The station could only be built by raising it up.

561. Could you level up 30 feet?—Yes, if necessary; but it would cost a good deal.

562. *By the Hon. J. Balfour.*—With regard to the Outer Circle, I wish just to ask a question or two—following up your answer, I understand you to say, that of the two, the Outer Circle, or the bringing the line by way of Elsternwick, you preferred the latter?—Yes.

563. And I understand you to say that your reason for not agreeing with Mr. Higinbotham in regard to the Outer Circle was, the large amount of mileage extra-travelled over by it?—Yes.

564. But have you considered what Mr. Higinbotham put before the Committee, that the great bulk of the traffic upon the Gippsland line will be goods traffic, and the passenger traffic will be very small comparatively; and that for the large proportion—that is the goods traffic—Mr. Higinbotham's view is, that it would be better to come in to the north of Melbourne than to the south?—I am not at all certain that it would be necessary that such a large proportion of the firewood, for instance, should go to Spencer street.

565. You think the large proportion would naturally go to Brunswick?—Of course.

566. And almost all the traffic of cattle would require to go north of Melbourne?—The cattle traffic would first have to come down to North Melbourne station, because the junction of the Outer Circle line with the Victorian railways would be at North Melbourne, and the cattle yards are a considerable distance, two miles, on the North-Eastern line, from there. I do not know whether that has been considered or not.

567. That would be north of Melbourne?—North of Melbourne.

568. With regard to the line now before us—the Direct Line—I understood you to say that estimates have been framed for lines with as scanty information as you have in this case—was I right in understanding that?—Yes.

569. Can you give us any instance?—I cannot name one in particular now, but I know that I have been frequently called upon to make estimates that were urgently required by the Government, from information as scanty as the average information upon this line.

570. As far as your memory goes, did any such estimate become a part of that submitted to the House, along with the schedule of such a line?—I think it is very likely indeed that it has been, but I cannot speak clearly from recollection.

571. Have you made any estimate before, direct by instructions from the Commissioner of Railways?—No, not that I am aware of.

572. Then those that you speak of were made by the direction of the Engineer-in-Chief?—Before now?

573. I mean those that you speak of in which you had very little information?—Yes.

574. And you think there was no information further than knowing what the lay of the ground was, without levels being taken or sections?—There are very few.

575. The question I put was this, that in the other lines you speak of, where the information was very scanty, are we to understand that no information was got before the estimate was formed, more than what could be gathered from the lay of the country. In this case I understand that no levels had been taken or the line surveyed?—No, but there is no country I have had to do with where I could make an estimate without such information more safely than I could in this case, because it is level or very nearly so from end to end.

576. In the other cases you had not more information than in this?—No, not more.

577. Then with regard to the goods station, we understand that there is no estimate whatever framed for goods traffic?—No.

578. A question was put to you, Could you form an estimate of what would be the cost of providing for that, and your answer was, that you would require to know something of the goods sheds required?—Yes.

579. Would there not be a great deal more than that, judging from the lay of the land there at the present suburban terminus?—No doubt a considerable quantity of filling up would be required to level the yard, besides erecting the goods sheds.

580. Then, apart from the erection of the goods sheds, the cost would be considerable?—It would.

581. And further, there is no provision for a tramway or junction along Flinders street?—Not in that estimate.

582. Then so far this estimate is incomplete, in that it does not make provision for goods traffic and the line along the street?—So far this estimate is incomplete.

583. And if this tramway be not made, there must be workshops to repair the carriages?—Yes.

584. *By the Hon. J. Graham.*—How long would it take to have this survey made, and plans prepared and quantities taken out?—I think that ought to be completed in three months.
585. *By the Hon. W. Wilson.*—You have a knowledge of the ground lying between Swanston and Spring streets, and Flinders street and the Hobson's Bay railway?—Yes.
586. From personal inspection?—Yes.
587. Do you think there is space enough within those lines I have mentioned to provide for all the goods traffic of such an important district as Gippsland?—I have not considered what the goods traffic will be, and I do not know. I should not like to express an opinion without seeing an accurate plan of the ground. Until a survey is made, I should not like to express an opinion whether there is sufficient land there or not.
588. For that traffic?—For that traffic.
589. But there is space for a very large traffic indeed?—There is, as shown upon the plan.
590. Then, when you make this statement, is the Committee to understand that you were only asked to make provision for passengers—did that refer to the shed accommodation or the platform accommodation?—That is merely the passenger station only.
591. I mean station—station accommodation for passengers only?—That is all.
592. But the rails and other accommodation would be sufficient for the traffic whenever it is deemed necessary to make it a goods depôt, going even as far as Spring street; but there is a large space you could go still further, and you could go even to the boundary of the East Melbourne Cricket Ground?—Yes, there is a considerable space there.
593. What height would you contemplate going over the Hobson's Bay line?—Fifteen feet.
594. What height will the Hobson's Bay railway be above the level of the cavity where you cross?—It is almost upon the surface.
595. Then, even if you had to fill up to the level of the bridge of the Hobson's Bay railway, it would only be 15 feet?—I do not exactly know what the levels of the Hobson's railway are. I do not know whether the line rises or falls towards Melbourne.
596. *By the Hon. G. F. Belcher.*—Mr. Watson, you stated that two cricket ground reserves would be affected by the line proposed?—Yes, one very slightly.
597. And the other?—It goes through the centre of it. The first one is the East Melbourne Cricket ground, which is only slightly interfered with by the line without sidings.
598. And the other, it goes through?—Straight through, if this line be carried, right through the centre of it.
599. Would it render it useless for cricket?—I think so.
600. *By the Hon. H. Cuthbert.*—Mr. Watson, in answer to my friend, the Honorable Mr. Fitzgerald, he asked you what was the estimated cost of the line. I think you said £127,000 or about £127,000?—Yes.
601. Now, also in answer to him, you said that it was intended merely for passenger traffic?—Yes.
602. From Oakleigh to Melbourne?—Not from Oakleigh to Melbourne, but from Gippsland altogether to Melbourne.
603. Merely for passenger-traffic?—Yes.
604. And now, do I understand you to convey this meaning to the Committee, that after having gone to all this expense of £800,000, and this additional £127,000, it is not intended to convey any goods?—I have no doubt it is eventually, but my instructions were to provide only for passenger-traffic—entirely ignoring goods.
605. But even that only providing station accommodation?—Yes.
606. But not as to the carrying power of the line for goods?—No.
607. And then, finding station accommodation, not for goods, but merely for passengers, when you say, to ignore goods and provide merely for passengers, it was intended that you were merely to say "Find a station fit to accommodate passengers, do not take into consideration the question of finding accommodation for goods," was that it?—Yes, precisely, the goods traffic was wholly ignored in so far that no provision was made for it at the terminus, but not so far as the line was concerned.
608. Was it not contemplated that goods were to be conveyed up to the terminus, as well as passengers?—Eventually, but that formed no part of my instructions to form an estimate.
609. Might I ask you the weight of the rails?—Sixty pounds.
610. Iron or steel?—Iron.
611. *By the Hon. Dr. Dobson.*—Were your instructions in writing, may I ask?—They were not.
612. *By the Hon. Sir C. Sladen.*—Following from what the Honorable Mr. Cuthbert has just asked for, does your estimate include rolling-stock to be used upon the line for goods purposes?—I have no doubt it does; but, as I said before, that estimate was prepared and furnished to me by the Locomotive Superintendent, and no doubt it may be very inaccurate, but it is one that is applied to all the lines in all the estimates that have been made recently. No doubt, in some particular cases, the rolling-stock might be more or less than in others, but we adopt that figure.
613. In regard to your estimate of value, I do not think that it has been elicited whether the £127,000, which is to be the total cost of the line, rolling-stock, and stations, comprises also the compensation which I suppose will have to be given to the Hobson's Bay Company for the land taken away from their property?—I have been under the impression that the Government would be able to make concessions to the Hobson's Bay railway company which would compensate them for the injury done to them in taking away this station.
614. Then, in fact, this does not cover the compensation for that?—No.
615. That does not enter into your calculations?—No.
616. *By the Hon. J. Cumming.*—You have expressed an opinion, that between the two propositions for bringing the Gippsland traffic into Melbourne, that is the Outer Circle route and the line by way of Elsternwick, you prefer the Elsternwick route, taking running powers over the Hobson's Bay railway?—Yes.
617. Then how would you provide the station accommodation in Melbourne for the traffic?—I have no doubt that if running powers were taken, and if the Hobson's Bay Company were to grant running powers to the Government, they would be able to find out whether they would be able to afford sufficient accommodation to the Gippsland traffic.

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618. There would have to be considerably more accommodation provided than there is now?—I have no doubt of that, and how near the present accommodation is sufficient I do not know.

619. Then if that line by way of Elsternwick were adopted, it might involve the taking the whole of the Gippsland traffic on to Spencer street?—It might.

620. Are there any engineering difficulties to prevent the connection between the Hobson's Bay terminus, at Elizabeth street and Spencer street, at any point of that line?—There are no engineering difficulties. The method of connecting the two has been considered by different people, and estimates been furnished some years ago by the Engineer-in-Chief. I think £96,078, but here is the memorandum that was furnished:—These are twelve different lines, and the estimate of the costs of each of them for connecting Melbourne with Oakleigh, and in a side-note it says "The adoption of either of these lines Nos. 3, 4, 5, 6, or 7 would render it necessary that powers should be obtained to run over the Melbourne and Hobson's Bay United lines, and that a junction between Flinders street and Spencer street station be made. It has been suggested that this junction will cost £96,078, but from information recently obtained by borings it is probable that this estimate may be considerably reduced."

621. That would be by a viaduct?—Yes.

622. Not in the same way as it is proposed to connect the two stations?—No, not at all; that would be a single line of railway.

623. But if the station accommodation could be provided in the neighbourhood of Swanston street for the goods traffic, for all the traffic that might be deposited there, and merely take a tramway from Hobson's Bay railway station to Spencer street, you would approve of that mode in preference to the Outer Circle route?—I would in preference to the Outer Circle.

624. But you cannot say whether the station accommodation can be provided or not at Swanston street?—I cannot say.

625. *By the Hon. J. Balfour.*—In regard to the bridge over the Yarra, I understand it to be a wooden bridge on piles?—Yes.

626. Then that I suppose is the cheapest form of bridge consistent with security?—That is the cheapest form of bridge suitable for the traffic.

627. An iron bridge would be preferable but for the cost?—An iron bridge would be preferable only for the cost.

628. Has it not been the practice of the department to put iron bridges over all the large rivers lately?—No.

629. But there are iron bridges over the large rivers, on the North-Eastern line, for instance?—Yes, but that was before the introduction of what is called the light line construction of railways. We have put a wooden bridge over the Barwon, which is a pretty wide valley there, and over the Morwell, on the Gippsland line, and it is from the actual cost of them, and a comparison of their character with this, that I have formed my opinion as to the cost per lineal foot of this bridge.

630. But an iron bridge would be preferable, especially over the Yarra?—Yes.

631. *By the Hon. J. A. Wallace.*—Mr. Higinbotham says it would take about eighteen months to make the Outer Circle line to connect Melbourne and Oakleigh. Can you give the Committee an idea how long it would take to connect Oakleigh with Melbourne by Elsternwick, taking running powers?—It is very easy country. I do not see any reason why it should not be done in six months, assuming that the rails and material are in the colony.

632. Can you give the Committee an idea of the difference between the Outer Circle and the line by Elsternwick?—The estimated cost of the Outer Circle line, made about December, 1875, while the Engineer-in-Chief was at home, was a total of £237,009, and the cost of a line from Elsternwick to Oakleigh was £39,995. These estimates are for single lines similar to the Gippsland railway.

633. Are there any greater difficulties in connecting Spencer street station with the Hobson's Bay railway, than in connecting Spencer street with the present proposed line?—I think the character of the work would be more expensive to connect Flinders street and Spencer street. I do not think the inhabitants of Melbourne would be pleased to see a timber viaduct there.

634. Do I understand you, that it would be cheaper to connect the Hobson's Bay railway and Spencer street together by the new proposed line?—The proposal to connect the Gippsland line with the Spencer street station is by a tramway, but I have not seen any proposal for connecting the Hobson's Bay Company's line with Spencer street.

635. Have you any idea whether there is much difference in the levels between the proposed line between the Spencer street station and the former proposed line?—I cannot speak positively about it, and do not like to speak from recollection.

The witness withdrew.

Mr. A. P. Mathison, Traffic Superintendent, Victorian Railways, examined.

Mr. Mathison,
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636. *By the Hon. Sir C. Staden.*—Does it come within your province to make any estimate of traffic upon new railways projected?—Yes.

637. Have you considered at all the Gippsland railway?—I have not considered the traffic of the Gippsland railway since the Bill was passed for its construction. At that time I made certain estimates.

638. Would you favor the Committee with those?—This—[producing a paper]—contains the estimate—it is embodied in a Parliamentary paper. The estimate is dated 1st October, 1873.

639. Is that the report—the Commissioners' report?—No; they are the estimates that went with the Construction Bill for the Gippsland line, among six or eight others—seven others.

640. Would you have the kindness to read out what is the estimate of the traffic there?—From Melbourne to Sale, at the time the estimate was made the distance was taken as 136 miles. I now understand that the distance is only 106 miles. The gross revenue for the year was estimated at £53,511 5s.

641. That is gross?—Gross.

642. Is that in detail under different heads?—No. It is not much in detail, only about four items.

643. Would you let the Committee know the heads under which that arises?—Passengers, average of 150 per diem at 5s. 6d. each, £12,911 5s.; mails, rates, parcels, &c., under the same head of passengers, at £50 per mile, £6800, total passengers, &c., £19,711 5s.; goods, general merchandise, at £400 per week, £20,800.

644. Is not that estimate made up in a great measure of cattle and sheep?—No; that traffic is the down goods traffic from Melbourne to Gippsland. The return traffic, timber, live stock, &c., is £13,000.

645. The first traffic is the down traffic from Melbourne?—Yes, from Melbourne to Gippsland is the down traffic.

646. Do you say that amounts to £53,000?—No; £20,800 in goods. Melbourne to Gippsland is the down traffic. Gippsland to Melbourne, return traffic, £13,000; total, £33,800 for the goods traffic altogether, up and down; and the total of the passengers and goods traffic is £53,511 5s.

647. Then the passenger traffic would amount to something like £20,000?—Yes; £19,000, passengers and mails and parcels, and altogether.

648. Have you any idea that that is likely to be a progressive amount? Is it likely to increase?—I have no doubt it will be progressive; but I should tell you, that this is estimated upon the total length. At present the traffic upon the 40 miles to the Morwell is £15 a day upon the average. Of course that will increase as the line extends.

649. Have you been called upon to submit any estimates of possible traffic upon the Direct Line between Melbourne and Oakleigh?—No, I have made no estimate since. I have not seen any plan of this Railway Construction Bill, nor been asked for any estimate.

650. Upon the Direct Line?—No.

651. A large portion of that traffic is for firewood, is it not?—Of course there would be timber and live stock. I cannot give you further details than are shown here now, because I do not think I have any paper that would show exactly these figures. There were a great many estimates made before this was printed. The whole of the lines had to be considered in reference to certain statistics which were furnished by the Register-General, of the acres under crop, the live stock, and all the other elements of traffic.

652. I think Mr. Higinbotham told us that there would be something like £15,000 a year from firewood alone?—I have got some estimates here, but if you ask for the items of those estimates I could not give them.

653. I want whatever information you have at the present time, if you please?—Twenty thousand cattle may be estimated to come from Gippsland.

654. When was this made?—For this year, it is arrived at from the knowledge of what has come—the cattle that have come.

655. Who makes this estimate?—It is made by a person in the trade. I do not know his name, but it is a person engaged in the trade; not a person in the department.

656. I mean, from whom does the general estimate that you hold in your hand emanate. Who is supposed to be the author of it?—I am responsible for it. I believe I give it upon good information. Of course it is an estimate of what the cattle traffic will be.

657. You have some means of getting information?—Yes.

658. And I suppose from a reliable source?—Yes.

659. Which satisfies you?—Yes.

660. And you have, of course, been expected to make provision for the expected traffic, as Traffic Superintendent?—Of course, yes.

661. Have you a great deal of traffic in the station at Spencer street consisting of firewood?—Yes.

662. Not upon this line, of course; you have nothing from this line, but from other lines?—There is a very large traffic in firewood.

663. Does it occupy a great deal of space?—Yes, a very great deal of space.

664. Is it spreading, is it getting out of bounds?—Well, some of the places where firewood has been obtained are wearing out, but still others come up. Macedon, for instance, is getting exhausted, but Wandong and Wallan come up to give new supplies upon the North-Eastern.

665. I mean, that it occupies a large space in the Spencer-street station?—Yes.

666. I mean, is it increasing upon you in the station?—It has increased very much since the increased accommodation was given.

667. Is it an incumbrance to the station?—I cannot say that, the present lower level sidings accommodate the wood and the undamageable produce.

668. Does the firewood remain there for any length of time?—The firewood does; the ground is a regular sale-yard.

669. In that case, is it not rather an incumbrance in the station?—No, they pay rent for certain allotments.

670. Can they stop any time?—They can keep their wood any time.

671. Then this rent is a source of revenue to you?—Of course it is; I believe it brings in about £3000, speaking roundly.

672. Are you aware where the wood is distributed; where it goes generally?—I am informed by persons in the trade, who, of course, know most about it (we really have no knowledge of where the wood goes after it comes to Melbourne), that about 24,000 tons go to Brunswick for brickmaking and other purposes, and about 20,000 tons south of the Yarra.

673. What is about the total quantity in the year?—One hundred and twenty thousand tons altogether.

674. Can you tell generally where the rest of it goes? You have accounted for over 40,000 tons?—Yes; but I could not tell where the rest goes. I have made no inquiry upon that head.

675. I want to ask you with reference to that. Supposing a large quantity of firewood comes from Gippsland, as is anticipated, and if a depôt were made near to the passenger station somewhere between Stephen street and Spring street, or somewhere in the neighbourhood of Spring street, do you think that that would be a neighbourhood which would be convenient to supply those people who take the wood generally?—Well, I have not really considered the matter. In fact, until this morning, when I saw in the *Argus* that I was summoned here, I had not given particular attention to the matter; but upon the first appearance of it, I should say that the station is not so convenient.

676. How far would it be from Brunswick?—I suppose a little nearer, perhaps, than the present place—the present lower level.

677. It would be nearer than Spencer street station?—Yes; a little.

Mr. Mathison,
continued,
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678. In that respect it would answer the purpose so far as Brunswick is concerned?—Yes; as far as reducing the cartage.

679. I suppose it would be desirable if you could possibly reduce the Spencer street station from the accumulation of wood, you would rather have less there than more?—Yes; but I should state that there is ample Crown land at Spencer street to nearly double the accommodation for firewood and other undamageable produce. There is the whole of the space upon which the lumber has been stored for the last ten years. I am informed that a considerable portion is within the Railway Reserve—that is the original Railway Reserve, but it has never been used.

680. As I understand, it is a matter of indifference whether you are relieved at all; that is to say, you can take any quantity there?—So I am informed by the engineers, that the present place where the lumber is is leased by the Crown Lands for stacking lumber, that is really within the original Railway Reserve, only we have not taken it, or put down rails upon it, or metalled it.

681. Is the access easy to that from outside the station?—Yes; the same access as we have at present. It wants some filling up.

682. But a large quantity of wood like that involves a large number of carts and drays and so on, to take it away?—Yes. The whole of the lot has the same access to Flinders street and the wharf.

683. You have not heard people complain of having to come a long way to get their wood?—No; the accommodation so far is good, though the wood merchants have now to pay rent, which they never had to pay before. So far from there being any complaints, I believe at least double the business is done, with more convenience to them and more convenience to us.

684. Have you anything to do with the shifting of stock about in the trucks—does that come under your supervision—I mean stock coming down from the country. It comes as far as North Melbourne?—Yes, all the traffic that is done comes through the traffic office.

685. It comes as far as North Melbourne?—Yes, and goes to Newmarket.

686. Supposing stock came from Gippsland, how would that come to you?—If it came to the Morgue or thereabouts, and the line ended there, I do not see any other course but to drive the stock.

687. Supposing it came by a tramway along Flinders street into the station, is there any convenience for it?—By a tramway into Spencer street?

688. Yes, along Flinders street?—There would have to be trains, of course, to take the trucks out to Newmarket after they entered the Spencer street station.

689. Would that interfere with the business in the station—that trains should come from Flinders street towards North Melbourne with cattle in them; they would have to go through the station, would not they?—There is no doubt that the trucks could be taken on if they got into the station.

690. How would they come into the station?—I have not considered that matter.

691. That would be rather an important matter to consider, would it not?—If I had seen any plans, I might consider it. I would certainly desire, before giving answers to such questions to the Committee, to inform myself; but I have not seen any plan whatever of the proposal.

692. This view of the question has not been submitted to you at all?—Not at all.

693. A large accession of goods traffic coming through the station, you would require to know something about beforehand to make provision for it, would you not?—Yes.

694. Then you cannot see at the first glance the track they would take? You see cattle coming from Gippsland would require to get to the cattle yards at Flemington?—Yes.

695. Therefore they would have to go through the whole area of your station?—Yes.

696. But do you think there would be any difficulty about that?—I do not think the difficulties are insuperable, so far as merely taking them goes; if they get into the station, by whatever means, of course we take them. They come to North Melbourne as it is, and they go to Newmarket, and of course if they came in at Melbourne, still we could take them.

697. Have you ever had the plan connected with the Outer Circle railway laid before you with a view to estimating, or forming any opinion, as to the traffic upon it?—No. While Mr. Gillies was Commissioner of Railways I saw a plan showing the Outer Circle, and four or five other lines nearer to Melbourne than the Outer Circle. There were two or three Outer Circles, but at that time I was very much in favor, in my own private opinion, of buying the Hobson's Bay line, but I was never called upon officially to consider anything about it. It did not come within my province.

698. Does the whole subject of the station come within your cognizance?—Yes, when the line is opened; but of course while the line is being put in the Bill for construction, I have no consideration about it.

699. You are not consulted about them before hand?—No.

700. You know nothing about them until they are ready to discharge into your hands, as it were?—Yes, that is it. I have not been consulted about them, nor would I expect to be.

701. You do not feel competent to express any opinion about the traffic coming in from the Outer Circle railway?—I have not considered it, and I should not do so, unless I had been asked to inform myself about some particular point.

702. Supposing the Outer Circle railway were adopted as the continuation to connect the Gippsland railway from Oakleigh with Melbourne and North Melbourne, would you consider it to be a great advantage to the central station at Spencer street that the goods traffic coming by the Outer Circle line should have an opportunity of discharging firewood, say at Brunswick, before it gets to the station?—No doubt about it. If brickmaking and other manufactories are there, they would get their firewood discharged on the spot; and similarly cattle and sheep, or whatever they were, would go direct to Newmarket.

703. That is, you would rather keep the firewood out of the station than have it brought in?—Yes; besides if it were brought into Melbourne it would simply be an additional cost to the purchasers.

704. *By the Hon. H. Cuthbert.*—How long have you been Traffic Superintendent?—Since 1871.

705. And that estimate, the particulars of which you have given to the Honorable Sir Charles Sladen, in connection with this line, was made in 1873?—Yes.

706. In which you estimate the gross receipts, I think, at about £53,000 per annum?—Yes.

707. Out of that £53,000 per annum, for passengers, mails, and parcels, you estimate about £20,000, in round numbers?—Yes.

708. Then the goods going from Melbourne to Gippsland; what would they principally consist of?—
Imported goods—stores.

709. You estimate this at £20,800?—Yes.

710. And then the return traffic, what would that consist of principally?—I expect it would consist of firewood, live stock, cattle, sheep, and horses.

711. Would not that include sawn timber?—I have heard some doubts expressed about sawn timber, but I think myself there is certain to be sawn timber.

712. Firewood and sawn timber?—Yes; horses, sheep, and cattle.

713. Anything else?—No, I think not. Perhaps there might be minerals. It is all a matter of estimate.

714. Still, in that estimate of yours in the return traffic from Gippsland you estimated the whole thing in 1873 at about £13,000?—Yes.

715. Out of that could you tell us—if you have not the particulars before you could you speak from memory and tell me how much of that £13,000 you estimated for cattle?—No, I could not tell you at this date; £13,000 from timber, live stock, &c., but I could not give you items of that £13,000 at this time.

716. As I understand, the firewood that has been brought to Spencer street from the different lines that have been opened has increased the trade wonderfully, and the firewood now is something like 120,000 tons, is it?—Yes.

717. And of the whole of that 120,000 tons only 24,000 tons go to Brunswick?—Yes; 24,000 tons to Brunswick and 20,000 tons south.

718. There is a difference of opinion. Did you say 24,000?—Yes; 24,000 to Brunswick is the estimate.

719. Twenty thousand tons south of the Yarra, and the rest I think you said you did not exactly know where it went to. I suppose by that you mean, that it is distributed throughout the city?—I conclude so; through the city and suburbs.

720. To the timber, then, so far as the trade is concerned, the great benefit of the Outer Circle—that is your favorite line, is it not?—No, I have no particular favorite line.

721. Oh, no; you prefer the Hobson's Bay line?—No; that was my preference.

722. Are you still constant to that?—No; I see the popular current runs so strong, I do not think they will buy it; but if they could have got it at a moderate figure, I still think it would have been the best solution of the difficulty.

723. You have had a great deal of experience as a traffic manager; do you think that if the Hobson's Bay line were purchased, say at £50 a share, paying, as it does at the present time, 15 per cent. under the present management, do you think—perhaps it is scarcely fair to say under your management, but under the Government management—that it would pay anything like 15 per cent.?—At the time that this purchase was under consideration there was also before the Government some scheme for a Board of Management. I must say that, without such a Board, I did not wish to see the line bought upon any terms.

724. I suppose, as a matter of fact, you cannot have the proper men under you—the men you would select. There is too much patronage, is not there?—

[Several honorable members objected.]

[No answer.]

725. Then, am I to understand that with the greatly increasing traffic at Spencer street, you have ample accommodation now for all your requirements?—Yes, ample space, so far as space goes.

726. Space?—Yes, if it were well laid out.

727. If it were well laid out?—Yes; if not well laid out, that is not the fault of the space.

728. But, at the same time, I think (for I have seen the ground myself) that while no doubt you have a vast space, and a large field for improvement, it would require a vast sum of money to fill up that large space that you have been speaking of, so as to to utilise it?—Well, for firewood and produce.

729. No, but generally to make it a proper station, and to utilise the large space you have been speaking about?—You are asking me about questions rather of engineering. I can only say that I believe this lower level siding cost £30,000, and certainly that has paid very good interest for the money.

730. But at that time you had material for filling up the hollows, but now you have not any material without going to the Harbour Trust for silt?—I am not sufficiently informed to speak about that.

731. Still, it would cost a large sum of money to utilise the large space of ground you speak about?—Yes; no doubt that it would cost money.

732. Now, in place of going to that large expense, if a dépôt were established at Spring street, and a yard there for storing timber, would it not be very useful to the people of Brunswick, and would it not be convenient to the people in the city and Collingwood—more convenient than Spencer street, and I may include Emerald Hill?—I should like, I think in fairness—

733. Understand my question. Assuming that I can give you a good yard at Spring street, plenty of space there, would it not be more convenient for the people of Emerald Hill, Collingwood, and Brunswick, and those residing in that part of the city about the yard; would it not be more convenient for them to have the timber stored there, than to have it at Spencer street?—Of course it would be nearer; It would be more convenient no doubt for those localities.

734. For Emerald Hill?—Not so much for Emerald Hill, but for Richmond and Collingwood.

735. I will just take your answer for Richmond?—Richmond and Collingwood—places that are nearer it.

736. And to Brunswick?—Better than the present, that is all.

737. Exactly; that is the question I am putting. I am very glad now that I have got these answers from you, because they differ very much from the answers given by previous witnesses. I thought that out of the 120,000 tons of firewood, more than 80,000 tons went to Brunswick, or perhaps it was 60,000 tons. Now we come to the cattle traffic; what would be the difficulty, what great difficulty would there be, once the trucks arrived at the station at Spencer street, in sending them on to the cattle yards?—I did not say there was any difficulty.

738. I am going to land them there for you, and I tell you they are coming—so many trucks—will you have any difficulty in sending them on?—We load trucks in Melbourne and send them on, and I do not see why we could not receive any other loaded trucks and send them on.

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739. With as much facility as you load trucks and send them on now, you could send ready-loaded trucks?—Yes, once they are in the station.

740. I think you were going to give my honorable friend some evidence about the number of cattle you expected?—I estimated the cattle at 20,000 in the year, that is 2000 trucks taken at 10 head of cattle to each truck.

741. How much per truck?—Tenpence per truck per mile.

742. That is over 106 miles?—106 miles the total distance, I believe.

743. How did you get 106 miles. I was under the impression that this line was 130 miles long?—I was, too, but the distances I have got now are—Sale to the Morwell, 40 miles; Morwell to the Bunyip, 34 miles; Bunyip to Oakleigh, 20 miles; take Oakleigh to Melbourne at the outside by any route, it cannot be more than twelve miles. Those are the distances I have got.

744. Where did you get those distances from?—I believe they are from the engineer.

745. I think that, in the evidence given by Mr. Higinbotham, he has exactly stated the distance. Of course, you are not sure about the distances?—No, I am not. I have no knowledge about the distances at all; it is for the engineer to answer these questions. I am not a competent witness.

746. In estimating the traffic upon the Outer Circle line, that would be principally the passenger traffic would it not. I mean from Oakleigh to Melbourne?—From Oakleigh to Melbourne I suppose it would be.

747. I may say, it would be almost exclusively a passenger traffic?—Yes, I think so. A suburban passenger traffic.

748. Do you think it would require at least ten stations to accommodate all the people along that route?—You ask me; but I have not seen the route, nor considered the route at all. I have never been asked. Until I saw the Notice Paper this morning, I had no idea I was coming here, and I have not given very great consideration to the question.

749. I think that your evidence is very important upon the traffic question, because I think you are pretty clear about this, that out of the timber traffic only 24,000 tons go to Brunswick?—So I am informed by those in the trade.

750. *By the Hon. N. Fitzgerald.*—I suppose you would not undertake, from your knowledge and from your informant, to contradict a gentleman generally very accurate in his statements, if he disagreed in that estimate of 24,000 tons?—No, of course not.

751. Then the value of your evidence absolutely depends upon the value of your informant's information?—Yes.

752. And your informant only spoke of what the timber was that came from a line that he had not the slightest knowledge of, and not of what the actual consumption of timber was?—Yes. No doubt he only spoke of the proportion of the timber from Spencer street to Brunswick.

753. Brunswick may draw five times that amount from other sources?—Yes.

754. And, no doubt, Gippsland can supply Brunswick and the whole district with any quantity, if it can be delivered by the Outer Circle route?—Yes.

755. About the Outer Circle line—you may not, as traffic manager, officially know it—you are, no doubt, acquainted as well as other people are with the population of the suburbs of Melbourne?—Yes. I have a general idea that there would be a good traffic through those suburbs.

756. And I need not ask whether your department is capable of managing that traffic?—No.

757. And additional work. The department is quite equal to it?—Yes.

758. You have heard of quarries at Brunswick; and stone would come from there?—Yes.

759. And the traffic would not be limited to passenger traffic and these things you have mentioned?—No.

760. Are there other articles?—Yes; bricks and stone.

761. Then, if you heard the Engineer-in-Chief say that 60,000 tons of firewood were wanted by the Brunswick people, and this Outer Circle line would convey it from Gippsland to their doors, you would not contradict it?—No. But the other evidence is good, as far as it goes, that 24,000 tons of what comes by the railway goes to Brunswick by cart.

762. But there is a point in that evidence that touches you more nearly. You estimate the entire timber from Gippsland to Melbourne at £13,000?—Yes; that is a return traffic.

763. That is the traffic from Gippsland to Melbourne?—The return goods.

764. But that is absolutely the amount?—Timber, live stock, &c.

765. You, of course, would be surprised, I dare say, that Mr. Higinbotham—I suppose, from information that is in his department—estimated the traffic in wood alone from Gippsland at £15,000 a year, without taking the passengers, cattle, minerals, or any other description of goods?—I am not prepared to contradict it.

766. And, in point of fact, you not having furnished yourself with the necessary data for this, the Committee may place, I presume, just as much reliance upon the larger estimate as upon the smaller?—This estimate is dated the 1st of October, 1873, and is based upon the best information I could then obtain.

767. Have you any reason to suppose that if that estimate had been made on the 1st August, 1877, there would be any material increase in it; do you think that the circumstances have so altered as to cause a material alteration in the total of the traffic now on that line as compared with 1873?—No doubt, there has since 1873 been a great deal of settlement in Gippsland.

768. Of course, the estimate might be expected to be much larger now than then?—There is good reason to suppose it would be.

769. Then the former estimate is, practically, valueless for 1877?—It would be under-estimated, and at present therefore valueless.

770. The entire traffic from Gippsland to Melbourne—upon a line which is to cost £1,000,000 sterling—is, by the Traffic Superintendent, told us to be £13,000 a year, unless the statement is qualified?—Yes; the entire return goods traffic was estimated at that amount about four years ago, before the line was commenced.

771. Now, with regard to this Outer Circle line to which reference has been made, I suppose you are aware that Heidelberg, Whittlesea, and Lillydale are populous and increasing places?—Yes.

772. They would all be benefitted and all contribute traffic to this Outer Circle line, if it were constructed?—No doubt,

773. And making a line in that direction would be a great benefit and increase the value of property in and around these districts?—Yes.

774. Upon these grounds you know of course, from your experience, they would be valuable additions to the stock of railways in this country?—Yes.

775. Is it not your opinion that the traffic on the line, say, between Oakleigh and Melbourne, would tend to make the entire line through to Gippsland pay more than the interest upon the cost of that extension?—That is my opinion.

776. It would?—I think so.

777. That the traffic which would flow into the Outer Circle line from the connecting link, say, between Oakleigh and Spencer street, would pay more than the interest upon the cost of construction of that particular line?—I think so.

778. And you have considered it; you are not giving a hazardous opinion upon that?—I was for many months much opposed to the Outer Circle railway. Of course, though I say that I had not considered these different schemes, the matter has been the subject of common talk among the officials in the Railway department at sometime or other, and all those who have heard me speak know that I was opposed to the Outer Circle and would rather see the Hobson's Bay line purchased.

779. We are not talking about your individual opinions, we only want your estimate. In your official capacity you estimated the total receipts, when the line was first conceived, at £53,500 per year?—Yes.

780. How much of that would you consider the cost of management based upon your information of other lines of equal length?—Here it is set down at 48 per cent.

781. The total investment of course (we having spent already over £800,000, and £240,000 or something like it to connect it) would be close upon a million—at 5 per cent., £50,000 a year—nearly equal to the total receipts, and 48 per cent. of that goes for management, consequently we lose nearly one-half. That is, the profit on the Gippsland line would not come within 50 per cent. of the interest of the money borrowed for its construction, speaking generally?—Yes, 50 per cent. in round numbers.

782. In your opinion, do you think that that traffic through this suburban channel and Spencer street would help to lessen the loss, and make the total line from Gippsland to Spencer street less unprofitable?—I think so.

783. You could not of course tell to what extent; but would it have a serious effect upon it?—If you look at the suburban districts and the nature of the occupations of the people, I think it is very probable that there would be a large source of traffic with Gippsland.

784. And with Melbourne also?—And with Melbourne also.

785. Then in your opinion the construction of the Outer Circle line would not only pay the interest upon the cost of the construction from Oakleigh to Spencer street, but it would help to reduce the total cost of the line from Sale to Melbourne?—Yes.

786. *By the Hon. W. Wilson.*—You have been some time connected with the management of the Department of Railways?—Yes.

787. I suppose you have worked out the result of the different goods you carry, for instance: you estimate the profit that arises from carrying timber, the profit per train mile from live stock, the profit that will arise from carrying grain and produce from the country, and the profit that will arise from other goods?—Yes.

788. What position does firewood stand in towards making up the total?—Firewood is the lowest rate, a penny per ton per mile.

789. After deducting working expenses, wear and tear, and all other necessities, what does it leave for paying interest?—A good deal depends upon the way it is managed. Of course under ordinary circumstances we neither load nor unload firewood; we have no cost of labor. If we unload trucks of firewood the owner has to pay the cost, therefore it does not pay us such a bad profit, if it comes a long distance, as some of the trucks do. Some of it comes from Longwood, upon the North-Eastern line.

790. If there was a large traffic so as to have the return empties, it would affect the profits; but take a 40 miles distance, that is about the furthest, is it not?—No, further than that.

791. What is the longest?—About 70 or 80 miles.

792. What line is that upon?—The North-Eastern. Of course I do not say the bulk of it comes from there, but some comes from those distances.

793. Have you any idea of what they sell it for per ton at your yard?—I do not know.

794. About 8s. a ton they buy it after discharging from the train, and they can afford to pay 6s. 8d. a ton for haulage alone?—It is a penny a ton per mile; but I should tell you they get 60 feet to the ton and sell it at 40.

795. You think they are able, at a penny a ton per mile, to go greater distances than 40 miles as an average?—It is a fact they are doing it.

796. Will the great bulk of your timber traffic average 40 miles?—I dare say not; not so long as they can get plenty at 40 miles. The largest supply of timber is from the nearest distance.

797. Then we may expect in this large firewood traffic from Gippsland the haulage will not average 40 miles; within 30 miles they have a sufficient quantity, but take an average of 40 miles. Then you have to recollect that you have to send empties 40 miles out to get loaded. I believe now you have to send a great many empties out to the timber traffic?—Yes, we do send empties to Wandong.

798. That seriously affects the profit upon the penny a ton a mile?—Yes, of course it is a cost upon the revenue.

799. In your opinion, if you had to send out empty trucks for this Gippsland timber traffic, and haul it at a penny a ton per mile, it would not be a very profitable traffic, would it?—You cannot assume that we are to send empties for the timber, because it is not a fact. Of course if empties are coming to Melbourne they will bring the timber.

800. How many loaded trucks will it take to furnish the whole population 40 miles out of Melbourne, upon the Gippsland line? So far as going to Echuca is concerned, you can find sufficient sawn timber to load all your returns?—Yes.

801. You do not require to take empties for firewood to Echuca?—No, firewood does not come from Echuca.

802. And in your present traffic upon the North-Eastern, do you have to send empties up for the traffic in addition to the return empties?—No, not always; we send empties to Wandong. I cannot say that we invariably do it, but we do do it. We have to send empties sometimes,

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803. Notwithstanding the great traffic inland?—Yes.

804. How far upon the North-Eastern?—Wandong is upon the North-Eastern. I do not think we send empties farther than Wandong for firewood.

805. Can you inform the Committee what profit would attach to hauling timber at a penny per ton per mile, taking an average of 40 mile stages, if you had not to send empties?—I could not, without going into it and making inquiries; but I can say that the timber traffic is not so unprofitable, when you consider that it is always in demand. In the wool season, all those timber stations are shut up, they cannot get trucks, and it shuts up their trade to a certain extent, and puts a very strong pressure upon them; but when the season gets slack and our trucks are not occupied, the firewood is a certain thing to fall back upon—both firewood and sawn timber—and we get it for pretty good mileages.

806. In your capacity as traffic manager, have you not run out the profit attached to that?—I have not.

807. You know the profit attached to hauling sheep from—say Echuca?—No, we do not compute the profit upon each item.

808. You have not estimated whether firewood gives a profitable return or not?—I think it does—of course it is the lowest rate. Still it is profitable, if you consider the circumstances under which the traffic is done, and at any time of pressure from more profitable tonnage the firewood traffic is no hindrance.

809. What is the average rate you charge for outwards goods—mixed goods, tea, sugar, candles, drapery, or anything of that kind?—There are four classes at 4d., 5d., 6d., and 7d. per ton per mile respectively. The average is about 4½d.

810. Per ton per mile?—Yes.

811. What is the value for produce inwards?—All produce now is three half-pence per ton per mile.

812. Either way?—Yes.

813. At those rates it shows a net return of profit over and above working expenses of about 4 per cent., does it?—I have no doubt it does; the three half-pence produce goes a very long mileage.

814. But the whole profit?—Yes, about 48 per cent.

815. According to that rate, a great deal of the profit must be made up out of the higher average of conveying goods, and wood traffic stands you in good stead when you have nothing else to do?—Yes.

816. But it is not of such moment that you could advise the construction of a line if there were no other profitable traffic attached to it?—Well, so long as we have not got coal in the colony, you must look upon it that firewood for certain purposes takes the place of coal.

817. But from the profit that arises from it, would it pay to construct a line to carry that and that only?—In England they carry coal at a half-penny a ton per mile, or three-eighths of a penny per ton per mile. At Brunswick and those places firewood is their raw material, and you must consider that if the wood is cheaper when brought to the doors, it would increase the manufactures and the production.

818. But I am simply talking of the profit that will arise from the conveyance of timber at a certain price; you were asked about the space that you allowed to the trade?—Yes.

819. The trade could be conducted in a very much less space, could it not?—No, I do not think so.

820. Were you traffic manager before you had the lower-level siding?—Yes, I was for a short time.

821. How did they manage then?—The traffic was not nearly so great then as it is now. With very great difficulty we did manage. There have been at one time as many as 300 trucks blocked in the Melbourne yard, stopping all traffic from Echuca, and creating great complaint; this was before we got the lower-level sidings.

822. At the same time, you could do with a great deal less space than you have now. You state to the Committee that you rent ground to them for carrying on the business?—We have never had the full amount of the railway reserve.

823. That is not what I mean. You having such a large space are now obliging the timber dealers by letting to them yards for carrying on their trade, instead of simply conveying timber to the station and asking them to take it away?—Before we had these lower-level sidings the dealers had a certain space. The only difference now is, that there is regulation or order; they pay rent and are better satisfied now than they were before, because they do double the business.

824. I ask this, that though the space you have given for the use of the trade appears so large, it appears it would be impossible to carry on the Gippsland timber trade with the space proposed to be given by the Government at the terminus they have now?—Yes; I say the traffic, since we got that space, has fully filled it.

824A. In fact, since the lower level sidings were made, there have been applications for additional space which the department had the means of giving?—Yes, a few from time to time.

825. For storing up?—For renting.

826. Are you acquainted with the ground between Spring street and Swanston street lying between Flinders street and the Hobson's Bay railway?—No, I have not looked at it.

827. Have you any idea of the size of it?—I have travelled upon the Brighton line daily, but I have not given particular attention to it. I have not seen a plan.

828. You could not inform the Committee if there is space enough there to conduct a timber trade of about 60,000 tons per annum?—I suppose there would be, but I am not prepared to say. If that is all the trade to be done, I suppose it could be done.

829. *By the Hon. Dr. Dobson.*—I was asking the Engineer-in-Chief with regard to the amount of space available at the suburban railway station for accommodation for traffic; are you acquainted with the space that exists there at all?—No, I have not made particular inquiry into the space.

830. Without any particular inquiry, is not your knowledge sufficient, from travelling over the line daily, to say whether the space from the morgue to Spring street be sufficient to accommodate the goods traffic likely to arise from the Gippsland line?—My opinion is, that it is not.

831. Supposing it is not, and you had to go back to Jolimont, and there is a fall of thirty feet from Swanston street to Jolimont, would it be practically possible to work a station with that difference of level within that space?—That is rather an engineering question. Anything is possible, but it could only be worked at great cost.

832. If you filled up the thirty feet?—Yes.

833. But I am not speaking of engineering possibility, but what is commercially possible?—I should say not.

834. Do you know of any objection, any practical objection, to uniting the Hobson's Bay line at the bottom of Elizabeth street with the Spencer-street railway station by a tramway along the level of Flinders street?—I had not considered it till the Railway Bill came forward, but I do not think it would work well.

835. Are you aware that, in the docks, the East India docks and the St. Catherine docks, they employ railways and locomotives to a large extent?—I could understand it, where they are inside dockyards and reserves.

836. But at Liverpool, where they are not inside docks, and I believe at Bristol also it is the same, the railways run along the streets and convey traffic from the shipping to the railways there. Do you think the traffic in Flinders street is greater than in the places I have mentioned?—Flinders street is a place of great traffic.

837. Not the western part of it?—Yes.

838. Not for carts and so on?—I go along there on business on foot pretty often and I cannot imagine a tramway going up the centre of Flinders street with any economy of working; but—

839. But I only suggest this, supposing running powers were taken over the Hobson's Bay line, so as to bring the traffic into the suburban railway station, would that not be more convenient to take that on by a level tram or railway along Flinders street than to back it to get to the level of Flinders street and then take it along Flinders street?—I cannot say, I know nothing about the levels.

840. But the Engineer-in-Chief told us to-day, that in order to get the train upon the level of Flinders street you have to back it or shunt it, as it is called, close up to Spring street; a sort of small zig-zag to get it into Flinders street, and along Flinders street to Spencer street, would it not be far more convenient to take running powers over the Hobson's Bay line at once, and instead of having a tramway from Spring street to Spencer street, take it only say from Queen street to Spencer street, which would be more convenient?—No doubt, if a satisfactory arrangement could be made, running powers would be better than that.

841. Had you any experience in traffic management at home?—No, I never held office upon a railway till I was transferred in 1860 from the Roads and Bridges Department.

842. You have no idea of how much this is done at home—are you aware that there is hardly a railway in England that has not running powers over other railways?—Yes, I have the Board of Trade reports which contain several agreements.

843. It is almost the universal practice?—Yes.

844. *By the Hon. J. Balfour.*—I understood you that the charge for timber and firewood was a penny a ton a mile?—Yes.

845. And that sometimes it comes as far as 80 miles?—Yes.

846. And there is no labor in loading or discharging the trucks that falls upon the department?—None.

847. And, consequently, the profit is greater than it would be for other goods which you have to load and discharge?—Yes.

848. Mr. Higinbotham put down the haulage cost at a farthing a ton per mile—the actual haulage cost?—I have got some papers here, but it is so long since I made them that I cannot give an opinion at present, but I make it more than that. Of course, I may be wrong. If a farthing a ton a mile is the cost of hauling a ton of goods—I compute it is more—but if you take the cost of hauling a ton of all kinds, that is including, in the tons hauled, both the weight of goods and the weight of the waggon, perhaps a farthing a ton per mile would be near the mark.

849. In consequence of a question asked you before, I wish to put this question in regard to the firewood traffic that might come upon the Gippsland line. I suppose you estimate that there would be sufficient trucks coming back from the goods going to Gippsland to bring it back—have you made any estimate?—No, I have not.

850. But you made an estimate some years ago of the actual amount of traffic down, and this would take a large number of trucks to Gippsland?—Yes, of course.

851. Supposing that the firewood only came 40 or 50 miles, still those trucks would in all probability be coming back from Gippsland empty?—Of course; but we cannot tell; it is all an estimate. If any mineral traffic developed, for instance, the trucks would come back loaded.

852. At present your estimate is chiefly timber and cattle?—Yes.

853. No minerals are provided for at present in your estimate of the traffic from Gippsland?—No.

854. The firewood dealers pay for the room at the station?—They do.

855. And that yields a fair interest upon the investment; 10 per cent.?—Yes, both in the rent and in the savings of wages. When I said £3000 a year, my estimate includes both.

856. It would not pay the dealers if they had to remove the timber directly it arrives?—No, that would not pay them. They always had this space; before they paid rent they had the space.

857. And now that pays interest?—Yes.

858. You mentioned some estimates you had there of the present traffic in cattle; 20,000 head you say from Gippsland?—Yes, that is an estimate.

859. Have you any other estimate beside cattle?—Yes, I have an estimate of 30,000 sheep; that is an estimate of what might be the traffic upon the Gippsland line. That is based upon the knowledge of people actually in the trade.

860. Anything else?—Pigs, 10,000.

861. Any other item?—Firewood, 60,000 tons; when I was speaking before, I was speaking only of the analysis of the firewood which comes to Melbourne.

862. Your present estimate of 60,000 tons is based upon actual fact?—No, not upon actual fact; but upon trade information.

863. Anything else?—Sawn timber. I have no estimate here. It would be unsafe to say that there would be no sawn timber traffic. I cannot believe that there would not be from Gippsland, although it is reported that the trees are not sound so far as experience has gone.

864. You expect some sawn timber?—I do.

865. Anything else?—No; there might be gold.

866. Grain—have you considered grain?—No, I have not; but no doubt there would be grain. There is an item here—horses.

867. There would be a large return from horses, I should think?—Yes.

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868. Have you got anything down from horses?—No; nothing.
869. Wool—some comes by steamer; that would be certain to come by railway?—Yes, no doubt.
870. Would not there be root crops from Brandy Creek eventually—the soil is very rich—crops such as chicory and beetroot, and eventually potatoes?—Yes; but at the time this estimate of revenue was made, Brandy Creek was not much heard of.
871. The question was asked you with reference to the accommodation at Spring street for firewood. I understood your answer to be, that undoubtedly it would be more convenient for certain parts of the metropolis to have a firewood depôt there?—Spring street?
872. Yes?—Yes.
873. Does not it involve a very large additional expenditure to have two separate stations in the metropolis?—Of course it would.
874. So that the convenience to a certain portion of the metropolis in that regard would have to be set against that great additional expense?—Yes.
875. You have already said that it would be a very great expense to make another depôt there, in consequence of the fall of the ground to Jolimont?—I suppose it would be, but I have not examined it.
876. *By the Hon. R. Simson.*—Providing the Commissioner of Railways told you that, on a certain day, a new traffic would be commenced, and that the amount of it would be 1,000,000 tons, and besides a 100,000 head of cattle and 500,000 sheep per annum, would it not be your duty to carry out that traffic as quickly as possible with all the means at your disposal?—It would.
877. *By the Hon. J. A. Wallace.*—In reference to the firewood at present, the traffic of firewood is about 120,000 tons?—A year, yes.
878. Suppose 60,000 tons came by the Gippsland line, would that increase the sale of firewood?—I think it would—that the price might fall and the consumption would increase at Brunswick and other places for manufacturing and other purposes.
879. Then, if the price falls, you would require to reduce the freight. According to present distances, if you carry it 60 miles at a 1d. a mile, that is 5s. a ton?—Yes.
880. Taking that from 8s., that would leave only 3s. per ton?—I said that there is more than the price in it. There is 60 feet and 40 feet; they have got that.
881. You do not look, of course, at an increased traffic?—I can only tell you how the traffic has increased since the lower-level sidings were given.
882. There are 180,000 tons altogether?—Some of that, of course—the 24,000 tons from Spencer street to Brunswick—is included in the 60,000 tons. If it is more economical for them to get all their firewood from Gippsland, I do not expect that when the Gippsland line is opened they would get any wood from Spencer street.
883. Then it would reduce the traffic upon the North-Eastern line so far?—Yes.
884. *By the Hon. Sir C. Sladen.*—Did I understand you to say that you had the copies of rules relating to the running powers in England?—I have got the Board of Trade's report for 1866, which contains several agreements for running powers; but there are later agreements than that in subsequent bluebooks received from the Agent-General. But I know, from reading, that running powers are common enough at home; in fact, they are the rule. The whole railway system in England is a system of agreements amongst companies originally separate.
885. Have you any documents that you could now lay before the Committee, to show how those powers are exercised?—No, I have no documents I could lay before the Committee. I have the Clearing-house Regulations for 1876, which really contain the gist of these running powers agreements. The only agreement we have at present is with the Deniliquin and Moama Railway Company, from Echuca to Deniliquin. Their rolling stock comes upon our lines, and our goods trucks go upon their line as far as Deniliquin; and, although there are some points not settled, it has worked very well.
886. What are the terms upon which they run?—The terms are so much for the use of the rolling stock, one or the other, and each party gets their proportion of the receipts.
887. What proportion?—The company have their own tariff, and there is a through way-bill, and the Department gets its own rate. Suppose goods go from Melbourne to Deniliquin, we have a certain rate. Take a truck of sheep from Deniliquin to Melbourne; their rate is 30s., ours is £5 5s. We get £6 15s. They get 30s., and we get £5 5s.
888. That is in proportion to the length of line run over?—Yes.

The witness withdrew.

THURSDAY, 23RD AUGUST, 1877.

William Elsdon, Esq., examined.

889. *By the Hon. Sir C. Sladen.*—You are aware that there is a Railway Bill before Parliament at the present time?—Yes.
890. Have you seen that Bill?—I have read it over.
891. Have you seen the schedule referring to the line from Swanston street to Oakleigh?—Yes.
892. The starting point of that is near to the morgue, is it not?—On the east side of Prince's Bridge.
893. On the east side or Flinders street, between Flinders street and your lines?—Yes.
894. Does that property immediately adjoin to the morgue, and belong to the Hobson's Bay Railway Company?—It belongs to the Hobson's Bay Railway Company.
895. Are you in the habit of occupying it?—Yes, daily.
896. It is used by the Company at the present time?—Yes, daily.
897. Is it an important part of the area necessary for carrying on your work?—All the engines going to Prahran and Windsor water and coke there, and many of the carriages are cleaned there every day.
898. Is it capable of being made of considerable more use than it is at the present time? I asked the question, I think, whether the land where the present projected railway begins is the property of the Hobson's Bay Railway Company?—Yes.

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899. And it is immediately adjoining to the lines of railway now which are in your station?—Yes.

900. I understood you to say that it is in daily use for important work—for watering and coking the engines?—Yes.

901. And you have an engine shed upon it as well?—Yes; and many of the carriages are cleaned there every day. It is also used for the storage of timber and other material.

902. Has it ever been contemplated to use it for other purposes?—Yes, for railway purposes; that is, for trains, and for engine purposes—for stables.

903. Are there lines laid upon it?—There is one line laid down there at the present time, and also one to the engine sheds, but it is in contemplation to lay more, as soon as ever we get the middle part of the Elizabeth street terminus finished. I have the plans with me.

904. Perhaps you could show us what is projected?—That is the part we are carrying out at the present moment—[*producing a plan*].

905. Which represents the spot?—This is the spot where the whole of the traffic goes at present.—[*The witness explained the plan to honorable members.*]

906. Are the lines laid down as they are upon the plan?—No. There are three lines now, there will be four; there will be three platforms, instead of two. It is in contemplation to put four lines through the present terminus and also to erect stables.

907. Is that on the east side of Prince's Bridge?—On the east side of Prince's Bridge.

908. Are those lines at present laid down which are shown upon the map?—All upon the plan.

909. Is it intended to put them down?—It is; I am going to ask money from the directors to lay them down.

910. Is this an idea which has only lately occurred?—January, 1877.

911. The map I hold in my hand is dated January, 1877, showing considerable alterations in regard to the station?—I may tell you, that this is only a portion of what is commenced.

912. *By the Hon. H. Cuthbert.*—I suppose these plans will be put upon the table?—They are originals, I have no copies of them.

912A. They will be returned to you.

913. *By the Hon. Sir C. Sladen.*—There is no objection to their being upon the table now?—Not the slightest.—[*The same were laid upon the table of the House.*]

914. Then this piece of land which it is proposed to take now for the purpose of making a Direct Line to Oakleigh for the Government railway, is of considerable importance to the Hobson's Bay railway station?—It is.

915. Is it indispensable?—It is not for the present traffic, but it is for the anticipated traffic.

916. But if you wish to increase your traffic?—We would have to make use of it.

917. You have no other means?—I propose making use of it as the traffic increases.

918. You have no other outlet for increasing your traffic?—Not beyond what we are doing to our present terminus—the large terminus. When the present terminus becomes over-crowded we should use beyond Prince's Bridge for the extra traffic.

919. And the alterations and extensions which you are preparing now were provided for, as I understand, so long ago as January last?—It was in December 1876 and January 1877, but the plans were finished in January, 1877.

920. And the alterations you are making in the station now are with a view of having this additional outlet?—Yes, it is simply the commencement of what we intend to carry out.

921. Then if this were taken away from the company at the present time, it would be a very serious injury and obstruction to their extension?—It would oblige the company to limit themselves to two lines into the station, four being contemplated, for the ten millions of passengers who are carried at this present moment; and I do hope to see the day when double the number will be carried.

922. Is it an injury of a kind that the company can be compensated for?—Not in money, and I should certainly never advise the company to part with it for money.

923. The company's requirement is really space?—Beyond money.

924. Space adjoining the station?—Yes.

925. Is the traffic of the company stationary, or is it increasing?—It is increasing in some parts. There is a falling off in one or two of the stations, but that will only be for a short time.

926. Do I understand you, that you could not get the increased accommodation which you have designed at the station within your shed, unless you have this space on the east side of Swanston street?—I designed the ground for the anticipated increased traffic.

927. Are you conversant with the company's arrangements?—Pretty fair; not in the law.

928. *By the Hon. H. Cuthbert.*—Not as a lawyer.—No.

929. *By the Hon. Sir C. Sladen.*—In the Act 21 Vict. No. 43, the 50th section runs thus—“Nothing contained in this Act shall prevent the owners or occupiers of lands adjoining to the railway or any other persons from laying down either upon their own lands or upon the lands of other persons with the consent of such persons any collateral branches of railway to communicate with the railway for the purpose of bringing carriages to or from or upon the railway, and the company shall if required at the expense of such owners and occupiers and other persons make openings in the rails,” and so forth. And then there are the following conditions and restrictions mentioned at the foot of the section—“but this enactment shall be subject to the following restrictions and conditions (that is to say) No such branch railway shall run parallel to the railway.” It is with reference to those last words that I am going to ask you a question. Now, what is your idea of a branch railway—another railway joining this line and running parallel with it?—It is in opposition if run parallel with it.

930. Do you conceive the Government line now projected to Oakleigh, by the route which is taken now, would come under the definition “parallel”?—Yes, I should say so.

931. And it is a competing line?—Yes, it is; and it comes into our own ground, and one of the best portions of our ground.

932. Therefore, any invasion, as it were, of your ground would be contrary to the provisions of an Act of Parliament?—Certainly.

933. I take it, that this Act has been passed to protect, to some extent, the Hobson's Bay Railway Company?—Yes.

934. And, on the other hand, to protect the public?—Yes.

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continued.
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935. Do you know anything or have you taken any notice at all of the ground lying along Flinders street, between the engine shed which is on your ground and Stephen street and Spring street?—Yes, I know it generally.

936. Could you form any idea of a line of railway coming in, as this Direct Line from Oakleigh is proposed to do, upon what level it would be likely, with reference to the site of the station, at what level it would turn the curve there abreast of about Stephen street and Spring street?—I do not know what the idea of the Government engineer is, because I have not had any plans to look at; but, for the height it would require to pass our railway, there would be still, I should think, about 15 to 20 feet below the level of Flinders street, as near as I can guess.

937. The level of the line could not be very much raised in any way, I suppose, in consequence of having a rapid descent into the station?—They could raise the ground to the level of Flinders street, by putting breast-walls up between our railway and our own land, on the land referred to.

938. Is it desirable to have a falling gradient into a station?—We have it occasionally; we have it ourselves, into the Flinders-street station; provided they are not too severe, there is no very serious objections.

939. You think there is no insuperable difficulty in bringing that line nearly to the level of Flinders street?—I think they might get into the piece of land I refer to.

940. I put that question in order to put another question arising from it, as to the difficulty you would see, or otherwise, of shunting goods trains off on to the projected line of rails in Flinders street to connect with Spencer street?—Yes.

941. Do you conceive there would be any difficulty in shunting goods trucks?—I do not suppose there would be any great difficulty in shunting goods into Flinders street. It is a difficulty that could be easily got over; it can be done.

942. Yes, it can; but it is with reference to time and labor, and the consequent expense of doing it?—Of course, it would cost money.

943. If it were level, of course the difficulty would be very slight—it would be simply shunting?—A good deal less than pushing up the incline.

944. But if there is a steep gradient?—It is more difficult and more expensive.

945. It would increase the working expenses in great measure?—Yes.

946. Have you ever considered the feasibility of a line of rails in Spencer street, to connect either this projected line or even the Hobson's Bay line with Spencer street station?—I did design a structure in 1862 for the company, and the company did make some progress, or, I may say, brought a Bill into Parliament, but they withdrew it again; that structure was to connect with Spencer street on arches and iron bridges.

947. Where did that start from?—From our present station.

948. Which end of the station?—The west end.

949. Where the coal depôt is now?—Where the coal gears are now.

950. That rises rapidly from there I suppose?—Not very rapidly. I think a gradient of 1 in 90 from our station, and then on the level to Spencer street.

951. Did that interrupt the traffic?—No, not in my opinion.

952. That is, the traffic would go underneath the arches?—There was a series of arches, and also bridges, about half the width of the present streets in addition to the arches.

953. Would high loads upon drays, a load of hay for instance, pass under that?—Easily.

954. You do not see then any difficulty in carrying a tramway along Flinders street?—From where?

955. From the station we are now speaking of—that is, from near Spring street?—From Spring street, there is no difficulty in doing it; whether it is prudent or not is a different matter.

956. Have you ever had any experience of lines of railway running through the streets of a town?—I have seen some in America, in Baltimore, for one place.

957. Are they worked by locomotives?—No, by horses.

958. Can you give the Committee any idea of the relative expense of working traffic by horse traction and by locomotive traction?—No doubt it is more costly, from about three to four times as near as I could guess, not exceeding four, I should think.

959. What was the effect of your observation in Baltimore—that was by horse traction I understood you to say?—It formed a junction between two separate lines and stations; but for all that I consider it an inconvenience.

960. Was it upon the level?—Yes, upon the level through one street.

961. Did it at all interfere with the traffic?—At the time I was there I cannot say that I saw much traffic upon the street. Certainly not anything like the amount of traffic we have in Flinders street; for Flinders street is one of our busiest streets for traffic.

962. What would be the effect of a line of rails laid down upon the level of Flinders street, a street with so much traffic as there is there?—It is a thing I would not advise myself. I think that better means ought to be obtained.

963. Would there be so much objection, even if merely horse traction was used?—I think it is objectionable in any case, either horse traction or steam traction.

964. Would steam traction have other objections?—Yes, it is more objectionable than the horse traction.

965. Have you considered the question of running powers of one line upon another—one company upon another company's line?—I have, I can speak generally about it, but the secretary I think has taken the whole of the details out and it would be better for him to speak about it. I have just as much as I can handle at present.

966. But you would be able to tell us?—I am speaking of the financial aspect and otherwise the proportions that would belong to each party.

967. I was not going to ask you upon that, but with reference to the traffic which I imagine would come more particularly within your province as engineer?—Yes.

968. It is not altogether a new question to you, that of the Victorian line taking running powers, as they are entitled I think to do, over the Hobson's Bay line?—When you make a junction you are entitled I think to it; but, prior to making a junction, it is generally considered proper to ask if they assent or dissent, it is always done with companies I know. We have not been asked that question yet.

969. Supposing the Government wished to get running powers over the Hobson's Bay lines, is there any difficulty in their having that power?—There would be no difficulty in certain cases; it would all depend upon what the case was.

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continued,
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970. There might be two questions that would arise there. The one would be as to the sufficiency of your permanent way and bridges to carry the traffic of the Victorian lines; and there might be a question of its interference with your present traffic, or perhaps the security at all events of your present passenger traffic?—Yes.

971. With regard to the first, that of your permanent way, bridges, and so forth, may I ask what is the weight of the engines you usually use on the Hobson's Bay line?—The engines we use on the Hobson's Bay line range from 11 tons up to 32 and 33 tons.

972. May I ask how the different classes of engines are used; upon what portions do the 11-ton ones run generally over the line?—The 11-ton one runs on the Sandridge Pier and occasionally between Sandridge and Melbourne. The 28-tons on the main line between Sandridge, Melbourne, Brighton, and St. Kilda; and the large ones, Melbourne and Brighton and occasionally to Hawthorn.

973. Then the lightest engine that runs on your suburban lines is 28 tons?—Yes.

974. And the heaviest 32?—And the heaviest ones 32 and 33.

975. Do you happen to know the weight of the engines on the Victorian lines?—I think the contract let to the Phoenix Company for the engines to be used upon the Gippsland railway average 24 to 25 tons. I have been told so by the person that inspected them.

976. It always strikes me that the engines on the Victorian lines are much larger than those on your lines?—They are for the main line but not for the Gippsland line. Upon all the light lines the engines are kept down to a certain standard.

977. In speaking of the Phoenix Company engines, you assume that that engine is to run upon this line?—I was told by Mr. Cundy, my informant, that the engines were 24 to 25 tons on the Gippsland railway.

978. Are you aware what the extreme gradient is on that Gippsland line?—I think it is as low as one in fifty.

979. I suppose that the gradient is a measure of the weight of the engine?—To a great extent, and that again is guided by the quantity of goods to be taken upon that line, and the quality of the traffic.

980. Then, at that rate, the engines that have been lately made by the Phoenix Company would run over your lines, of course, without any damage, as they are not so heavy as your own?—Certainly; I may also inform you that the rails used by the company upon the line from Sandridge to close upon Brighton Beach are composed of seventy-five pounds iron and steel, or fifteen pounds more than any rail that is supposed to be used upon the Gippsland railway.

981. Upon what section of the line is that?—From Sandridge to within a very short distance of Brighton Beach, and also upon the Hawthorn line and St. Kilda.

982. Is that a uniform weight of rail?—It is; we have some eighty pounds—seventy-five pounds is the rule.

983. Steel rails?—Many of them will carry at least 15 per cent. more than the iron ones.

984. The weight of the traffic, independently of the engine, is not generally of a very heavy character upon your line beyond Swanston street?—The engine is the heaviest vehicle carried upon the line. Anything carried in a truck is not to be compared to the weight of the engine upon the wheel.

985. Then, given an engine of considerable weight, it does not matter much what follows it?—No.

986. Therefore, any heavy goods traffic that might be hauled by a powerful engine would not affect it?—Would not affect it, for the simple reason that the weight is distributed, more so than what the engine is.

987. Then, as regards your permanent way, your opinion is, that your line is quite as capable of carrying the Gippsland traffic as any line in the country?—Easily. I may say, that the same applies to the bridges.

988. The same applies to the bridges?—The whole of the bridges that have been put up of late years are calculated for thirty-six-ton engines, with a safe margin of four times—at least four times.

989. The weight of the engine?—It is four times the strength of any weight that may come on to it.

990. You have only one bridge of any importance I think?—We have two or three.

991. There is one at Hawthorn?—There is one at Hawthorn, and one at Cremorne, and a wooden bridge over the Yarra here, and one over the Brighton road.

992. And they are all of that character that they would support four times any weight you could ever bring upon them?—I am speaking of those put up of late years, and those at Hawthorn and Cremorne—three or four bridges were put up at Balaclava three or four years ago. Reference has been made to them occasionally in the papers, and also by some of the engineers: they formed their opinion simply by sight, without any attempt at calculation whatever; the rule equally applies that they are four times the strength of any weight likely to come on them up to the thirty-six-ton engine.

993. When one company wishes to exercise running powers over the lines of another company, is it at all usual for the engineer of the company exercising the running powers to inspect or take any steps to satisfy his company that the traffic can be carried safely over the line?—The usual thing is, for the company that is to be attached to the older company to inform the engineer of the old company, and get his consent; that is to say, he is supposed to be capable of forming an opinion as to whether it is capable or not.

994. Of course we know doctors differ and engineers differ; but supposing that the Commissioner of Railways, representing the Victorian Railways, wished to have running powers over the Hobson's Bay railway, it would not be out of the way to get the engineer of the two lines to agree?—No.

995. In fact, there would be no objection to satisfy him in that way—to satisfy the party exercising the running powers?—Certainly not.

996. Supposing running powers were necessary to be exercised for a line—the Gippsland line—I suppose you could form some idea of what the extent of the traffic would be likely to be upon that line?—Yes, I can. I was in Gippsland in 1871 for a company that felt inclined to make a line down to Gippsland, and I made some estimates of the traffic at that time.

997. That would enable you to form an opinion as to the ability of your company to give plenty of convenience and accommodation for running over that line?—Yes.

William Elsdon,
Esq.,
continued,
23rd August 1877.

998. You do not consider your line is too crowded with traffic at all at present?—I hope it will be more so in the next five years.

999. You hope to extend it?—Yes, I do.

1000. How many trains run over your line now?—Over three hundred in a day, in and out.

1001. What do you conceive your capacity is?—I am going to ask the board's permission to increase our present arrangements by fifteen or twenty per cent.

1002. That is to say, you would run nearly four hundred trains a day?—From three hundred and fifty to three hundred and sixty.

1003. There would not be anything like such an accession as that from the Gippsland traffic?—No; I should think that the number of trains required for the Gippsland traffic would never exceed two or three each way, unless they wished to do a suburban traffic.

1004. Would that traffic in any way interfere with the suburban traffic?—With our suburban traffic?

1005. Yes?—No, not if they run upon our line; but do I understand in the shape of drawing traffic away from us?

1006. No; alluding more particularly to the security of the line than anything else?—I understand; my answer then is, No.

1007. What system of check for security of the people travelling upon your lines is used upon the Hobson's Bay line?—For safety?

1008. Yes?—The semaphore signals and the usual telegraphing. On busy days, as a rule, we have the telegraph at full work at certain passing places; they telegraph the arrival and departure of each train; and, for safety, the orders are that no train is to pass till another has arrived.

1009. Is that what is called the block system?—No. The block system is simply a system of stages, whereby one station-master or man in possession asks the person ahead if the line is clear, and the question he asks cannot be altered except by permission of the first one, that is, of the man who asks the question. The station-master at the station ahead says, Yes or No, and that cannot be altered except by permission of the receiver, and it is staged on from end to end—quite different from what we do here.

1010. Is that the same system that is in use upon the Victorian railways?—I saw something in the papers about a week ago, that they were likely to use it.

1011. How long have you had that system in use?—We have not the block system in use; the system that we have we have had in use several years, and it is very successful.

1012. Is the block system better than that?—It is very good, I think, for short stages.

1013. That would apply to yours?—But I do not feel the necessity of it yet.

1014. Of course, that would be a point of considerable consequence, where you have frequent trains running over, to satisfy the party wishing to exercise running powers?—Yes.

1015. Would it be necessary to assimilate the system of signalling of both lines, or would the party exercising running powers conform to the other?—In taking running powers over our lines they would have to subject themselves to our signals.

1016. In fact, they would have to be subject to all your rules upon the lines?—Yes.

1017. Within the limits of the running?—Within the limits of the running and junctions.

1018. At all events you consider that your system of signalling is quite sufficient?—I find it so.

1019. You have had no accidents on your line, I believe?—We have had one or two little slips, I believe.

1020. But no serious collisions, or anything of that kind, I believe?—No; once or twice, I believe, there was a small accident, but I was away at the time.

1021. May I ask how many years you have had experience of the Hobson's Bay line?—Close upon twenty-four years.

1022. And during that time you only recollect two accidents of any consequence?—I know little about them, for, as far as my memory teaches me, it was during my absence in England, so I can say very little about them.

1023. Now, with regard to your station at Flinders street. Suppose there were running powers, to the Victorian railways over your lines, and this traffic comes in from Gippsland—passenger and goods traffic—is the accommodation at your station sufficient to carry that traffic through without inconvenience to the Hobson's Bay or to the other?—It certainly could be made so.

1024. Under the extension you are now proposing, could it be carried out?—That and the extensions that I referred to, to the east side of Prince's Bridge, as also the arrangements on the west side of the station.

1025. You see no difficulty in regard to that; you have space enough in the station to afford all the accommodation that is necessary?—For passengers—certainly.

1026. Then what about the goods traffic?—If they wished to stop the goods traffic at or about our station, there is plenty of land close on to the company's goods sheds on the east side of Prince's Bridge.

1027. What would become of it then?—Deposit it there, and take it away by cart in the usual manner, or send it through to Spencer street, if communication is made.

1028. But I understand that a great deal of the traffic from Gippsland would consist of live stock and firewood?—Perhaps in that case, it might be better to send it through to Spencer street.

1029. In that case, do you see your way to sending it through?—Yes.

1030. Would you still have to shunt the goods trucks on coming in, before leaving the station?—I would not shunt them at all, I would simply send them right on, through to Spencer street.

1031. And that would not interfere with the ordinary arrangements of the station?—No.

1032. Under those circumstances, where would you suggest that the connection of the line to Spencer street should take place?—At the coal gears, or thereabouts, at that end of the station.

1033. Do you see any objection to that?—No, none whatever. I may say that the plans were got up in 1862 for a viaduct for the passenger accommodation for the Victorian traffic at the time I refer to.

1034. As engineer of the line, are you sensible of any objection to running powers being exercised?—None, provided they were taken at points suitable to the company.

1035. Of course it is an arrangement with a certain amount of reciprocity. You must meet one another's views?—My meaning is this: I think it would be highly objectionable to join on to a railway in the station yard where little or no source of profit would be derived by the company, and where they would suffer great inconvenience.

1036. But that would not be the case in discharging the railway trucks towards Spencer street?—No ; but the Government propose I think by their new plans to make what they call back points on to the company's line at rather a particular point, where our signals are, and the traffic there I believe will be trucks of cabbages for the captains of vessels, to be taken down to Sandridge, the bulk of the goods to go *via* Flinders street. William Elsdon,
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continued,
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1037. That is all a matter of arrangement?—It is an arrangement that I should certainly not advise the directors to take advantage of.

1038. Have you formed any idea, supposing running powers were to be taken over it, what would be the most convenient place for effecting a junction?—I do not think there would be any objection on behalf of the Hobson's Bay Company to a junction at South Yarra, Hawthorn, or thereabouts anywhere ; but I think that, to effect a junction for the very small amount of traffic, and such traffic as they have spoken about, to take it immediately on to our yard, would be highly injurious to our company.

1039. It would seem so to any one, but any where to the south of the river it would be sufficiently distant?—To the south of the river it would be distant from the company's station.

1040. Have you had experience upon railways in the United Kingdom at home?—No ; I came out to the colony when I was young. I used to travel a good deal about for Stephenson's, but not to have actual possession of any railways. I might inform you that, in 1869 and 1870, I was travelling on behalf of the Victorian Government. I was able at the time to travel through the whole of Europe and America, to obtain information and knowledge as to the construction of lines, and also their management, on which I wrote a large report for the Government. It gave me a great insight no doubt into many of the latest methods railways are carried on in several parts of the globe.

1041. How long ago was that?—In 1871 I think I sent in the report.

1042. Have you ever been concerned for the Hobson's Bay Railway Company, or any of the suburban companies, in submitting Bills to Parliament?—Yes, for the Brighton Railway Company and the Hobson's Bay Railway Company.

1043. What evidence did you submit to the Committee at that time with regard to the estimated cost of the line?—The usual evidence in such cases ; we have to get up our estimates from the description of road we propose carrying out.

1044. Have you made close calculations then?—Yes.

1045. And taken sections and all that kind of thing?—Yes, sections.

1046. And your work, you may say, is all in hand?—It was so defined that we could make calculations for it.

1047. That is to say, before the Select Committee would allow the Bill to go through, they were satisfied that the whole history of the case was before them, with regard to the line upon which it should go and with regard to the expenditure?—That is usual in all companies applying for Bills.

1048. A mere flying survey would not be sufficient to satisfy a Select Committee on a private Bill?—We are obliged to submit plans and sections and cross sections, and make the usual deposits to the several municipalities, and also the several deposits to the various landholders through whose land we pass, and to both Houses of Parliament, and to the Government too.

1049. I think I understood you to say, that all the details of the remuneration for running powers Mr. Finlayson would give?—Yes, the secretary, he will give all that.

1050. Then I will not ask you any questions upon them in that case, unless there is anything that I have not asked you. Can you suggest anything that is in your mind with reference to the running powers?—There is a system properly recognised amongst all the railway companies at home who have to make use of each other's lines, and there is a clearing-house, and further than that, it has been used here as between the Brighton and St. Kilda Railway companies and the Hobson's Bay Railway Company.

1051. The St. Kilda company had running power over the Hobson's Bay, had it?—Yes.

1052. How was that arranged?—By certain rules set forth which have been in practice for very many years.

1053. And no difficulty occurred there?—No, not any.

1054. And when a difficulty occurred, how was it disposed of?—There is a clause in all the arrangements, that when any difficulty occurs it is settled by arbitration. The secretary, I think, will give you all the information regarding that.

1055. *By the Hon. W. Wilson.*—I think that the Honorable Sir Charles Sladen asked you if it would seriously interfere with the working of the Hobson's Bay railway, their taking possession of that ground east of Prince's Bridge?—Not at the present. Understand me, it would inconvenience us, but not to what it would do in five or six years' time or less, that is, if my ideas are right. We do anticipate a great increase of traffic, and in fact we are endeavoring to increase it.

1056. You are pretty well acquainted with the land that lies between Swanston street and Russell street?—Yes.

1057. Along Flinders street what distance do you claim as belonging to the company?—I think it is about 1000 feet—I speak from memory.

1058. A thousand feet from Swanston street along the line of Flinders street?—I think about that.

1059. Have you any notion of the traffic that will be upon the Gippsland line, suppose they only use that line for that traffic?—Well, the estimate that I made in 1871 for the company I refer to was £43,900 and odd, say £44,000, that was of all kinds, with the exception of timber—I omitted putting that in.

1060. Do you think that there would be sufficient space between where your ground terminates and Flinders street, not to where they could take in along Flinders street, for conducting such a traffic?—Are you speaking now upon our ground—do you mean upon our ground?

1061. No ; leaving your ground out of the question altogether, say they formed a station outside of your ground?—On the site of the circus?

1062. And beyond, say taking in the gymnasium and down to the boundary of the cricket ground?—It is possible.

1063. Do you think that that would be large enough?—I think it would be large enough ; I would not be positive.

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1064. Does your ground on the south side of the portion reserved along Flinders street, the ground east of Prince's Bridge and south of your own line—do you go to the river?—No.

1065. Would there be sufficient space there to conduct a large traffic, suppose they were to conduct a large firewood and timber traffic, if they were to branch off where they cross your line to take possession of that for a timber business?—There is space there. I should think it is almost indefinite, if you cross the the Jolimont road. I should think about twenty acres on the west of the Jolimont road belonging to the corporation that is all planted with trees.

1066. Then is it from an engineering point of view that you offer objections to this line of route, or from the proposal to interfere with the reserve of the Hobson's Bay Company?—From both.

1067. But why from an engineering point of view?—Because one of our main signals is placed just at about where it is likely they would make their yard or a junction, and certainly it would not only be inconvenient but positively dangerous, and unless there is plenty of light to any portion of the line that they are likely to cross beside Jolimont, it would certainly be very inconvenient as far as the Hobson's Bay Company are concerned.

1068. Could not that signal be elevated in some way?—It would be rather lowered than elevated, which means raising them (the Government) higher.

1069. You mentioned that you thought they could cross the line at about fifteen feet?—No.

1070. I thought that was an answer to some question about crossing?—I never mentioned it, but I may tell you that the rule allowed by the standing order is fifteen feet clear headway for any trains passing beneath.

1071. What is the height of your bridge that crosses at Swanston street?—Twelve feet six unfortunately.

1072. Are you able to get any higher bridge level than that?—Not there.

1073. What is your next highest level?—Not less than fourteen feet.

1074. If they were to improve the approaches to Swanston street on the southern side, would you ask them to make your bridge the same height as the other?—I should ask them, decidedly.

1075. Then fourteen feet would be necessary to make them on the level with the height that you would like the Swanston street one raised to. Then I suppose the Committee may infer from your information, that you consider that the best way of connecting Oakleigh with Melbourne would be by taking running powers over your line?—I think it would be better for the Government, and perhaps better for the company too, but really the benefit to the company would not be worth speaking of from the risk to be run.

1076. You do not think it would be advantageous from a money point of view, but simply from a point of view of the public?—No. £1050 on a traffic of £53,511 is our gain only, and we have a great risk for that, and certainly a great saving to the Government.

1077. Supposing that the Government were prepared to take running powers over the Hobson's Bay railway, where would you recommend as the most convenient spots for the junction?—I cannot say that I have given the thing a great deal of consideration, for the simple reason that there are two or three places they might join at; there is Ross's line, South Yarra, or Hawthorn.

1078. You have not given sufficient consideration to recommend?—I would not go so far as to recommend, because I think that fairly devolves upon officers of the Government.

1079. But in coming to give evidence to the Committee, it is more, I apprehend, to point out to them the destruction of property, to use the phrase, or the injury that they would inflict upon the Hobson's Bay Company by taking away the piece of land fringing Flinders street, and by the difficulty of signalling?—I am certainly here to protect the Hobson's Bay Company, but still with an idea to assist any proposition made to take running powers over any portion of the line.

1080. Have you considered any question of connecting Oakleigh with Spencer street other than by taking running powers for this Direct Line—have you thought of any of the other routes proposed?—I have looked over several of the routes proposed by the Government; some of them are feasible, but perhaps roundabout.

1081. Are you acquainted with the line called the "Outer Circle"?—Yes, generally. I may say, I do not know all the details.

1082. You are conversant with the route they propose to take?—It can be carried out.

1083. Do you think it a feasible one?—It can be carried out.

1084. But, do you think it an advisable one?—A great deal depends upon what the views of the Government are in regard to the lines up the country.

1085. But we are not going to consider the Government's views, if you please; we want to get the best evidence, so that we may know exactly what really would be the most profitable and economical and suitable to the requirements of the district. You know the Outer Circle line of railway. Some engineers, for instance, the Engineer-in-Chief, express themselves very much in favor of that route, and the Engineer-in-Chief is no mean authority?—No.

1086. Would you consider it an advisable route to adopt?—No, I could not say I would advise it.

1087. You would think that taking running powers over the Hobson's Bay would be better?—Yes, I think better than the Outer Circle.

1088. I think you mentioned there were surveys taken and plans in existence to connect the Hobson's Bay line with Spencer street?—Yes.

1089. I think the levelling of Batman's Hill was made with the view and with the object of ultimately connecting the two?—Do you refer to the plans that I got up myself?

1090. No, those in the office?—The plans I made in 1862 were prior to the levelling of Batman's Hill. There were plans made by the Government something similar to mine about two years ago; are those what you refer to?

1091. No, they were about 1869 or 1870?—I forget.

1092. Then, I suppose, you consider from an engineering point of view, considering the enormous timber traffic that is expected from Gippsland, that they would require to connect Hobson's Bay with Spencer street, and take running powers?—If Mr. Higinbotham's ideas are right, that only twenty thousand out of the hundred and twelve thousand tons go south of the Yarra, I think his argument holds good that that must go to Spencer street.

1093. And you would not advise that to be done by horse-traction?—I think it would be very inconvenient; it may look little or nothing upon the plan, but in time it would be found very inconvenient; if it were in some of the streets of the town I would not object so much to it, but Flinders street is a business street; but that would not apply to the lower part of Flinders street so much as for instance our station towards Batman's Hill, but from Queen street up to west of Swanston street is certainly a very busy part of the town.

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1094. When you made the connection between the two points, did you go into the cost that would be necessary for the viaduct?—Yes.

1095. How much?—£80,000.

1096. Eighty thousand pounds would connect?—Yes.

1097. From Hobson's Bay coal yards to Spencer street station?—Yes, that amount I may say, since Batman's Hill has been lowered down could be reduced, I should think, by about £20,000.

1098. Do you consider that there is ample space in the possession of the present Hobson's Bay Company between Queen street and Swanston street to form a grand central passenger station?—I have always held the opinion that there is.

1099. And the passenger traffic of the whole colony could be conducted there?—With proper management; with proper arrangements; but only a passenger station, not a goods traffic in that space.

1100. And that would be the best site for a grand central passenger station?—Although connected with the Hobson's Bay Company, I say, Yes.

1101. Then the policy of the colony would be, to purchase that line, not to take running powers?—I should say so.

1102. Then if the directors were to fix a price, and recommend it to the House at a fair market price, you would recommend us to accept it?—I would not undertake to recommend anything of the kind. I am supposed to be an officer of the Hobson's Bay Railway Company to advise them rather than the country; but, if I were in a position to give advice on behalf of the Government, I would.

1103. I see; that is a figure, in fact, a fair market value. If the line could be purchased at that, it would be desirable for the Government to secure it?—Yes.

1104. And with that in view and there being ample room, in your opinion plenty of space, to form a grand central passenger station upon the site of the present Hobson's Bay Company at Elizabeth street?—Yes.

1105. I suppose it would be out of place to ask the engineer what you consider would be the price?—I do not think I should give it to you.

1106. Still, at the same time, if it could be fixed upon, you think it would be most advisable that the whole of the lines should be connected and be under one management?—I think so.

1107. *By the Hon. H. Cuthbert.*—I think you said that you had some twenty-four years' experience in connection with railways?—Yes.

1108. Has your experience been confined to the Hobson's Bay Company?—And St. Kilda and Brighton. In fact, the present lines are an amalgamation of the three; they are all separate lines.

1109. Which was the first?—The Hobson's Bay.

1110. Then?—St. Kilda, which formed a branch of our own, and then the Brighton and Suburban railway; three companies.

1111. What was the fate of the Suburban Company?—I may say that they amalgamated with the Hobson's Bay Company.

1112. They had a separate terminus?—They had.

1113. And the Hobson's Bay purchased that with the other property of the company?—They did not purchase it in reality; it was a sort of amalgamation of the two companies.

1114. It was ceded to the Hobson's Bay Company—fused?—Put it under what name you think best, but it was amalgamation.

1115. It was about thirteen years ago, if I remember right?—In 1865.

1116. And that station has lain idle up to the present time, up to yesterday or the day before?—It is not idle at all.

1117. Till yesterday or the day before?—No, it has been in use since about 1867.

1118. I mean as to passenger traffic?—As a passenger station it ceased about that time.

1119. And has not been used as a station since in the sense of a passenger station?—Not for the dispatch of passengers.

1120. It has been used for the coking of engines and watering?—It has been used for the coking of engines and watering.

1121. And one of the messengers has slept there?—There is one station-master, a foreman of the goods; there are three, at any rate.

1122. So that during all that period of thirteen years you did not require it?—It is possible.

1123. And a fact?—Fact.

1124. How is it that, in consequence of this Direct Line proposed by the Government, the directors have seen the necessity of utilising this station?—The directors, I may say, have had nothing to do with it. The plans that you have upon the table there are a system, perhaps to be carried out as soon as ever our traffic increases to the desired quantity that we expect. The first portion we are carrying out now, and have been about five or six weeks: long prior, I may say in reality, to the introduction of the present line.

1125. Five or six weeks?—Yes.

1126. Has it been since the 11th of May?—I think the directors gave permission for the carrying out of the work in February or March, I would not be certain; but this I would say, long prior to the introduction of the Bill.

1127. But, as a matter of fact, the works were not commenced until after the 11th of May?—I do not know—I would not be certain; possibly they were not commenced. I may tell you—in view of any Bill of the Government, or any particular scheme, or any railway intended to be made—I may tell you that it arose in this way. Finding that there was no purchase of the company's lines by the late Government—we have been keeping things back and delaying some things for years, I may say, much against my will—and they were obliged to put things in order, and put themselves in a position to command traffic rather more than they have been doing.

1128. And, for that purpose, they were obliged to increase their station accommodation?—Yes.

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1129. In fact, their traffic had increased so much that they had to increase their station accommodation?—I told the directors distinctly, that no increase of trains could take place till certain improvements had taken place they had held back four or five years, very much against my will.

1130. Might I ask you, in the commencement of the Hobson's Bay line, how many trains, do you remember, used to leave each day—it is a long time to carry you back?—In 1854, many of them did not arrive at the end at all.

1131. Perhaps five or six a day were sufficient?—Yes.

1132. At that time, you never supposed that the traffic would have increased so much?—I did not anticipate that the traffic would have grown on so quickly as it has done. I may tell you, that I have been of opinion, since 1871, that the traffic would increase to the present dimensions.

1133. Now suppose that, in 1854, there had been a line that you wanted to take running powers over, and suppose you had said to the directors—"We want running powers over your line to the extent of ten trains a day," is it not very likely that, at that time, having regard to the then amount of traffic, you would have been quite content to the extent of ten trains a day?—I do not understand the question.

1134. I am bringing you back a long period—to the starting of the line; and now we are at the starting of the Gippsland line. Now, having regard to the traffic that existed in 1854 upon the Hobson's Bay line, and suppose that another line had been then in existence, and wanted to take running powers over a portion of it, and you arranged with the engineer of that line, he would say to you, probably, "How many trains do you require to run per day over the line"; you would say—"We only start ten, we only require ten." I ask you, is it likely that the number of trains you would require running powers for would be regulated by the number of trains starting per diem?—The number of trains can be increased by his enlarging the convenience given about the station.

1135. But what would it be probable that you would have then asked for in the way of running powers?—Certainly I would have looked ahead to about double the number of trains—about twenty trains a day.

1136. Now, as I understand, that there are no less than three hundred trains leaving your terminus every day?—No.

1137. Leaving and coming in?—Yes, about that.

1138. Three hundred, within how many hours out of the twenty-four?—Eighteen hours.

1139. So that almost every three minutes a train is leaving?—Oh, no; eighteen times sixty is a thousand and eighty, and three hundred into a thousand and eighty—I think it is three.

1140. I make it out about a train every four minutes. What do you make it?—I can tell you that there are certain portions of the day—in the morning and evening—when we do run our trains within three minutes of each other. It is over thirty minutes between the trains on the average.

1141. Over thirty minutes? If you divide three hundred into one thousand and eighty—sixty minutes—times eighteen—Oh, I see! Three hundred into that—now it is right—it is about three minutes and a half?—If you speak of the whole of the lines, it is possible that that may be the fact; but—

1142. But I thought I was right upon this, that taking you up and down three hundred trains in the day, in eighteen working hours the result must be that within every four minutes there is a train leaving or arriving?—If you divide it that way, undoubtedly. I thought that you were referring, as it were, to the number of trains following each other on a particular line; many times in the day three or four trains may arrive at the same moment.

1143. Now supposing a heavy passenger and goods train came in at the same time, have you accommodation for that?—Yes.

1144. How will the passengers be disposed of, and how are goods to be disposed of within the three minutes and a half?—Because the nearness of time that we run between Swan street and Melbourne never goes less than three minutes, and that only applies to a few trains in the morning and a few in the evening. The trains between Sandridge and Melbourne are every half-hour; the majority of the times between trains between Swan street and Melbourne, by our extended traffic which we anticipate should certainly be a lapse of about ten minutes—there is lots of time, two and three trains in there—because I may tell you that, on some lines at home, one train is dispatched immediately after another; that is, an express train may leave and pass several stations upon the road and a slow train follows.

1145. I am not very clear about that answer of yours, so I would like you just to illustrate it for me a little better. Take a busy period in the morning, what time does one of your trains start—take any time at the busy time, say nine o'clock?—The most busy time is between eight o'clock and ten.

1146. Very well, take a train then at nine o'clock, have you one leaving at nine?—We have.

1147. How many have you leaving at nine?—Four minutes past nine the Hawthorn train leaves, and there is a 9.11 train; there is one to St. Kilda at nine o'clock, but that would not interfere with any traffic going towards Gippsland; I want to deal with trains between Swan street and Melbourne, the portion of the line where the Gippsland traffic would come in.

1148. There is one at nine and one at four minutes past nine?—No, not at nine, one at four minutes past nine and one at 9.11.

1149. What next?—I want to have this properly put before you; for if I understand the Committee rightly, there is a great difficulty in getting rid—shunting off, according to Mr. Higinbotham.

1150. He says a train would have to be shunted off twenty-six chains and then shunted back?—That is, upon the new line.

1151. Would not that apply to this?—No. I may say that I have no hesitation at any time to alter trains one or two minutes of each other.

1152. Only two accidents occurred on that line, and that was while you were away?—That was not through any bad management of the company at all, but it was caused by one of the drivers taking the bit in his mouth.

1153. But no accidents occurred during the time you were here?—I do not wish to infer from that that the work was not properly done in my absence.

1154. But it shows that you have been very careful in the discharge of your duty, and also very fortunate. Now let us go to the trains. We have a train leaving at 9.4?—The Chapel street trains leave every fifteen minutes, and the Hawthorn trains every twenty minutes, and there are two or three trains in the morning with three minutes between, and in the other parts of the day there is as much as ten minutes between the departures.

1155. That is the busy time?—That is the busy time.

1156. And you have the trains coming in and going out in pretty rapid succession?—Yes.

1157. At that very busy period I want to insist upon the right to obtain running powers from you, and running as many trains as I like from Gippsland?—How many do you want?

1158. Ten.

1158A. *The Hon. Dr. Dobson.*—All at one time?

1159. *By the Hon. H. Cuthbert.*—Within an hour?—You can have it and more by taking another portion of the yard.

1160. With your present appliances, you could not give it?—By going through the present goods tunnel I could.

1161. With your present appliances could you give it?—That is doing more than we do ourselves. We could not do it with ten trains in addition to our anticipated traffic.

1162. I put it ten per hour?—No; but put it, that the anticipated Gippsland traffic is two trains a day each way.

1163. It would be impossible to give that accommodation?—Ten trains an hour certainly we could not, with the present platforms.

1164. Could you give me four?—Yes.

1165. Within the hour?—Within the hour.

1166. And without any inconvenience?—Without any inconvenience.

1167. With your present appliances?—With our extended appliances.

1168. No, I will take your present appliances?—You cannot, because I am extending our present appliances for our present traffic.

1169. With your present appliances, and I wanting running powers for four trains an hour, could you give it to me?—Certainly not, for the simple reason, as I gave evidence before, that I advised our directors not to attempt to put any more trains on to our present number till our extended appliances are completed.

1170. Then you propose to increase the number of trains from 300 to 360?—There, or thereabouts.

1171. Do not you think it very likely that there would be a very large passenger traffic from Oakleigh to Melbourne?—I am glad the Government anticipate it, as it shows clearly to me that it is meant to be an opposition.

1172. It shows me clearly that you are in opposition to the views of the Government, your answering in that way?—It means to me, that they are going to oppose our line by a parallel line to our own, if they anticipate the number of trains you refer to.

1173. That is your answer?—That is my answer.

1174. Now I ask you, is it likely that there will be a settlement of population as soon as Oakleigh is connected with Melbourne?—I think the population of Oakleigh, and also the intermediate space about Malvern, will increase.

1175. At the present time, what is the furthest point your railway extends in the direction of Oakleigh?—The nearest point is Elsternwick or Hawthorn.

1176. Then, not having laid your line any further, if the Government with this line proceed to Oakleigh, you would consider that if they carry the passenger traffic from Oakleigh to Melbourne, it would be competing with your line?—I may tell you that we get a portion of the traffic from Malvern district, and also from Toorak, and up High street, at the present time.

1177. You may; but I put the question to you, your line not having gone further than Elsternwick, stopping there I may say, and the Government line going on to Oakleigh, do you give it as your evidence here to the Committee, that you would regard the Government line carrying passengers from Oakleigh to Melbourne, not interfering with any of your passenger stations, would be a competition with your present line?—I am not aware that they do not interfere.

1178. I put the question, showing that they do not call at any of your stations?—If you will be kind enough to point out the position of their stations, I would be the better able to judge whether they were likely to interfere or not.

1179. I put it, that where you have a station, no station will be erected by the Government; then, I ask you, would you consider it to be a competing line, carrying passengers from Oakleigh to Melbourne?—It is a difficult question for me to answer, it is so open. I may say, that the company for a time till the last few weeks, did subsidise a car along High street between Oakleigh and Malvern, and no doubt the Government would take a portion of the traffic that we now get by car.

1180. Your attention was called, I think, by the Honorable Sir Charles Sladen, to your Act of Incorporation? The Melbourne and Suburban Railway Act commencing "Power to parties to make private branch railways communicating with the railway," and then it goes on to say, "No such branch railway shall run parallel to the railway." You were asked if you considered the Government line, as far as you have the opportunity of judging of its route, was a branch railway running parallel to your line, in opposition to the provisions of this section?—I say, that if they started from our yard at Prince's Bridge, and continued up by South Yarra to Malvern and Oakleigh, that certainly does appear a parallel line.

1181. Did it occur to you—I suppose your attention has been called to that particular?—Not until Sir Charles Sladen asked me about it just now; I remember the clause very well.

1182. Did it occur to your mind that it applied to private individuals and not to the Government?—Possibly it may; I merely took the clause as it stands.

1183. And that it was not intended to interfere with the Government of the colony?—I do not know; that is a point I think it would be better for the solicitors to answer than for me.

1184. I think with you, it is for the solicitors?—I remember the clause.

1185. Then you have seen that there has been a difference of opinion as to how Oakleigh should be connected with Melbourne?—Yes, there has been.

1186. Many parties entertaining different schemes, and being in favor with different schemes?—Yes.

1187. As a practical engineer, if I understand your evidence rightly, you say that you do not approve of the Outer Circle line as a means of bringing the traffic from Oakleigh to Melbourne?—I would not go that far; I say, that I do not know whether I could advise it or not. I do not mean to infer from that, that I say it was a foolish thing, I would not go that far; I know the district, but perhaps not so well as Mr. Higinbotham does himself.

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1188. But you could not endorse the opinion of the Engineer-in-Chief?—I would not.
1189. That it would be the most advisable course?—No, I would not go that far, as I said before.
1190. I think his evidence was given under a mistake as to the quantity of timber—were you in the House when he gave his evidence?—I was.
1191. Did you hear him speak of the quantity of timber delivered at the Spencer street station—120,000 tons?—I did; I think 112,000 tons was what he said.
1192. Do you recollect his saying that he was under the impression that 60,000 tons of that firewood was delivered at Brunswick?—Yes.
1193. About half?—Yes.
1194. Were you here when the Traffic Manager was examined?—I was not; I was obliged to go away—I was very poorly last evening.
1195. He gave a different account as to the quantity; he spoke of 20,000 tons as going to the south of the Yarra, and 24,000 tons as going to Brunswick?—I think Mr. Mathison is in a better position to judge of the actual quantity than the engineer.
1196. If Mr. Mathison were correct in his supposition that only 24,000 out of the 120,000 tons of firewood were delivered at Brunswick, would that induce you to differ still more strongly from the Engineer-in-Chief as to the advisability of the Outer Circle?—I think it would have a certain influence upon my mind; in explanation, I may say this, that I do not think there is any great desire on the part of the Hobson's Bay Company to force the Government to obtain running powers over their line, I am not aware of it, at least; I simply say that they want to protect their own property, and to see, in reality, that they are not ruined by an opposition from any one; but there is no great desire to give running powers—their gain is very little and the risk is very great.
1197. Then, so far as connecting the suburban lines—the Suburban Station, suppose that were converted into a passenger station—so far as conveying goods from that to Flinders street goes, if the goods were conveyed by horses, you would estimate that the cost would be three times as much as if conveyed by steam?—About that.
1198. Then I might on that point refer to what I think will be fresh in the recollection of the committee—I refer to the evidence of the Engineer-in-Chief—he said from six to ten times; and I pressed him on that, and, in his direct examination, he said six; and I asked him “Then you might go further than six?” and he said “Yes, he might go up to ten.” Now that, I think, you heard when he gave it; it struck me as very strange that the cost should be so much as even six times, but he went as high as ten. Now, do you adhere to your opinion that the cost would be only three times?—That is my idea; I may be wrong.
1199. This line of yours is very prosperous?—It is.
1200. Paying very well?—Very well.
1201. What capital is invested in it, may I ask?—I think it is about a million—over a million.
1202. That includes the total money expended from the commencement upon all the lines?—Not nearly.
1203. Not nearly?—Not nearly.
1204. I suppose the secretary could tell me better than you could?—He would give you the full detail of the expenditure. I think it is close upon £100 a share.
1205. You have watched pretty well the working of our railway system in the colony, have you not? having gone home in 1869 and reported to the Victorian Government, you have taken a strong interest in the railway extension in the colony?—Not a great deal. I have generally been pretty busy at our own place.
1206. The line is paying a very good dividend under your management?—A very good dividend.
1207. Do you think that if they were in the hands of the Government the dividend would be as large as under your management?—No; but I think, under fair management, they ought to be able to make six or seven per cent. out of it—with fair management.
1208. With the management that prevails upon other lines or other portions of the lines constructed by the various Governments, I do not mean the present Government, but by preceding Governments, having regard to the management, do you think it advisable that the Government should undertake the passenger traffic lines?—I think it is barely fair to put the question in that light to me, for it is getting me to give an opinion upon management that I would not like to give.
1209. I only ask generally?—I would rather not give it.
1210. I do not want you to condemn any man?—Pray excuse me.
1211. *By the Hon. N. Fitzgerald.*—You told us that the ground at the corner of Swanston street is about 1000 feet long?—About 1000 feet.
1212. What is the breadth?—The breadth to the stone wall is 85 feet, I think.
1213. Is that breadth continuous along the wall?—Yes; up to the wall.
1214. Considering last night that some reference was made to it, do you say that the stone wall now in process of erection was not undertaken in consequence of any action of the Government?—Certainly not. I may tell you, that the plans were actually finished in January, and I have delayed a certain time before I brought them before the directors, and they passed them after a little consideration, or rather a portion of them; and as soon as I get the present portion of them done, I shall certainly ask leave of the board to give me permission to carry out the rest whenever I think it desirable.
1215. The increase in traffic which has been so marked upon your line, from ten trains to nearly three hundred per diem, was more marked in the last three or four years than in the preceding part of it?—In the last seven years it has been wonderfully increased.
1216. What would be the increase of the year from twelve months this time backwards and in the twelve months preceding that again? has it been steadily rising for the last five years?—Since 1871 it has been.
1217. More marked than in the same period before 1871?—Yes; it has doubled.
1218. Then the space that would be required by your company, in order to be prepared for a still further increase—you would require still more room than you have at present?—We should require the land, or the greater portion of it.
1219. Is it your opinion that that ground, referred to in this schedule, is actually required by your company for the purposes of such increased traffic as you anticipate in the next five years?—For the anticipated increase in the company's traffic.

1220. Then the land could not be taken from you by the Government without doing an injury to you by the Government?—Yes. William Elsdon,
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1221. Is it at all within your knowledge that any number of your shareholders are resident abroad?—A great number are in England.

1222. Then the line could not be taken without doing a positive wrong to those shareholders whose property you are in charge of as engineer to this line?—I should certainly never advise the company to give it up.

1223. I ask your opinion on that; this is a matter of policy, and if they give up—but could the Government take the land for the purposes of this railway, proposed to be made to connect Oakleigh with Melbourne, without interfering with your probable extension to make room for your traffic, say, within the next five years?—Undoubtedly it would interfere with our arrangements.

1224. But could you get sufficient space in any other direction to qualify you for this increased traffic, if this ground be taken from you?—Not without taking the goods sheds away.

1225. Could you find room for goods sheds in any other direction?—No.

1226. Then the injury would be irreparable?—Irreparable.

1227. Then the injury is irreparable, there is no space anywhere else?—No.

1228. Then the space required for the extensions necessary for your probable traffic, and therefore necessary to do justice to your absent shareholders, could not be had if they took away this land?—It means a limiting of dividends by limiting the traffic, for if any extra traffic occurs we could take advantage of it.

1229. You could not keep up, that is to say, with the traffic?—I speak more particularly of the land east of Prince's Bridge.

1230. I am speaking of the land that the Committee have now to deal with, namely, the land in the schedule of the Bill at the junction of Swanston and Flinders streets. The Engineer-in-Chief, Mr. Higinbotham, in his evidence yesterday, informed the Committee that, in his opinion, the sum of £150,000 would be required in order to put your line in such a substantial state of repair as would enable it to carry this Gippsland traffic; is that estimate in your opinion exaggerated?—Well, I can only say that I differ about it wonderfully from him.

1231. Some money would be required?—Yes; some, not a great deal.

1232. About how much?—I could barely give you an estimate at present.

1233. Would half of it be required?—No, not a quarter.

1234. There being such a variation in the estimate that you have formed of the required repairs to the line to make it fit for this increased traffic and Mr. Higinbotham's, I presume there might be a little feeling of professional jealousy?—Not as far as I am concerned, and certainly I do not give him credit for that myself, and certainly it is not upon my part.

1235. But you see there is such a manifest divergence in opinion between you and Mr. Higinbotham in other respects, that I want to show that you, as a professional gentleman, may have a grievance against him as an original grievance in that regard?—I can explain it partly. Mr. Higinbotham forms an estimate to the best of his abilities; I, on the other hand, do the same. I work the matter out, find I am right, and that is my answer.

1236. Now, with regard to this money which will be required, I thought you said the bridges and permanent way of the Hobson's Bay railway, as it now stands, are quite fit for the Gippsland traffic that would run upon it?—I say it for that portion of the line that would be likely to carry the Gippsland traffic.

1237. But in your opinion as an engineer, would the Government be justified in putting the traffic upon it without insisting upon some repairs being made to the permanent way?—Yes, for the simple reason that, in holiday times, I do with confidence draw heavier trains than ever will go from Gippsland.

1238. But you said some amount of money, a quarter of the £150,000, that is a large sum of money?—I will tell you where the money is required for, and it has no reference to the part which the Gippsland traffic would pass over. The difference between Mr. Higinbotham and me is in regard to the bridge across the Yarra. I know where the difference is; he estimates £38,000; and I, £26,000 for the Yarra bridge.

1239. Have you made any survey of this connecting link along Flinders street for the horse traction or tramway which would be required to connect Spencer street railway station with either Swanston street or the coal gears?—I made one in 1862.

1240. Then you are aware of the gradient that you would have to go up at the end of Flinders street?—One in ninety from our station to the top of the viaduct, and then proceed along the level.

1241. Which viaduct?—Along the street I intended to have the line.

1242. The purpose of my question is this: I want, if possible, to make your statement as to the number of horses required, or as to the relative capacity of horses as compared with locomotives harmonize, if it can be made to do so, nearer than it does with Mr. Higinbotham's. Mr. Higinbotham told us last evening that he reckoned the difference at six times, at the very least, and even ten; you say three?—Three or four.

1243. Are you speaking of the same line?—I am speaking of the same line.

1244. That is the line from the corner of Spring street, as Mr. Higinbotham put it, to the lower-level siding at Batman's Hill?—Yes.

1245. Is that the particular line that you speak of when you estimate it at less than half of Mr. Higinbotham's estimate?—Yes, it is an opinion; I may be wrong, but I might explain it in this way, that when I say three or four times, I do not refer to what number of tons a horse can draw as against a locomotive, but I take into consideration the difference of working cost between horse feed and engine feed, if I may so express it; that is in some cases horse-traction is found more cheap than engine-traction. I take all that into consideration; it is a question involving several things. I do not simply reckon the haulage ton against ton.

1246. Then, you may take the two estimates from different standpoints, and each may be correct from the different standpoints?—Very possibly.

1247. Have you lately been at Batman's Hill—do you know the traffic at all in Flinders street?—About three months ago.

1248. About once in three months does duty or pleasure lead you there?—Very seldom.

1249. Then you can form no idea of the traffic at that end of Flinders street and Spencer street to Collins street?—The traffic, I said, from Queen street to Swanston street is great, and beyond that is undoubtedly heavy, it is lighter from Queen street to Spencer street.

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1250. And you speak of it from knowledge gained as a visitor at three months' intervals?—I see it from day to day from our own station.

1251. We have Mr. Higinbotham's evidence, that the traffic upon that line is far greater at the entrance to the goods sheds and much more objectionable than intersecting the traffic on the other part of the street?—I think it is very possible Mr. Higinbotham's evidence upon that point is better than my own. I think he has a better idea than I have at that point of the line.

1252. As to the Outer Circle, you gave an opinion that Mr. Mathison's evidence was more likely to be of consequence than the Engineer-in-Chief's?—I do not say that. I say that he is in a better position, I thought, to know the actual facts, for the simple reason that all the conveyance of wood and goods undoubtedly comes through Mr. Mathison's hands.

1253. Were you in the House yesterday evening when Mr. Mathison gave his evidence?—I was not, I had to go away ill.

1254. He gave his evidence upon the statement of somebody, he did not know who, who was in that line?—I did not hear it.

1255. Have you been over the country of the Outer Circle line?—Not the whole distance, and for that reason I gave an opinion with some hesitancy.

1256. Apart from the question, whether it would be a competing line or not, you do think that, if the Government undertook a suburban line from Oakleigh to Melbourne, the number of trains running in upon your line, upon running powers, would be vastly increased?—So I understand that.

1257. I am assuming that the Government took running powers over your line as far as Elsternwick, and constructed a line to join Elsternwick and Oakleigh, and then chose to make that a pleasant retreat and run suburban trains, say at intervals as to them may seem fit; but suburban trains as we understand it?—Upon our line?

1258. It must upon your line, to make the link complete to Melbourne. If they did that would it be possible for them to do it without disturbing your arrangements?—I do not think there would be any possibility of their doing anything of the kind to begin with, there would be no likelihood of their trying to do anything of the kind; and further than that, we ourselves should have to have a certain standpoint upon a matter of that description.

1259. Then would the fact of their taking running powers over your line to Elsternwick absolutely prevent them from entertaining the project, however profitable it might be, of running opposition trains from Melbourne upon your line to Elsternwick and from thence to Oakleigh?—By another route. It is a thing that I am not aware has been done, except to a very limited extent by some companies at home, but it never lasted long.

1260. We do not want that. I put it to you for the purpose of showing that, if running powers were taken upon your line to Elsternwick, no matter what the progress of Oakleigh hereafter may be, no matter what the prospect of profit to the Government may be to connect Flinders street with Oakleigh. The fact of their having running powers with you would keep them out of the traffic, they could not overtake it?—Which means, in reality, that they would work our line in addition to our working, and earn a profit to us.

1261. Why?—They would run trains from Elsternwick to Oakleigh and Melbourne, as against our work, for which they would have to pay a certain toll to go into our pocket.

1262. That is a question of policy; I have nothing to do with it, nor you either. The present question is, that they could not run upon your line if they had running powers upon your line, your arrangement would not admit it?—I do not know that; I do not go that far, for the simple reason that it all depends upon how far the feeding would be, as to whether they would run one hundred and twenty trains or whether sixty would do. If they did that, it would be foolish, and would lead to complications; but if each was wise in their time, they would never go into direct competition; but, as I said before, there is no direct wish, that I know of, upon the part of the directors of the Hobson's Bay Company, to have any running powers over their line taken, providing they have no opposition from other quarters whereby their dividends would be lessened.

1263. You told us that the cost of the advantages and the profit to the company were £1050 per year?—I think Mr. Finlayson reckoned it at £1050 a year.

1264. And yet, added to the risk, would not be a very great advantage. What do you mean by the risk? is it risk to life and limb?—I mean this, that with the £1050 there are certain risks to be undertaken in the carriage of passengers from here—we are responsible for their carriage.

1265. That is only the ordinary risk of carrying passengers?—That is only the ordinary risk of carrying passengers.

1266. No extraordinary risk?—No extraordinary risk.

1267. Do you know anything at all about the district of Brunswick, about the extent of the brick-kilns?—Not a great deal.

1268. You do know them as a matter of fact?—I do; and I give an opinion upon the Outer Circle line with some hesitancy, because I cannot say that I grasp the whole thing as well as I would like to do.

1269. But if you heard Mr. Higinbotham's estimate of the consumption of firewood in that district at 60,000 tons, from your knowledge of the general correctness of his utterances upon statistical points, would not you attach a great deal of weight to that?—I do. I have no reason to think he is wrong, but there may be some reason between Mr. Mathison's estimate and his that I am not aware of. I cannot say he is wrong, I cannot say Mr. Mathison is right, but I say that Mr. Mathison ought to be in a position to know; I do not say whether he is or not.

1270. But still, you see no reason to doubt it from your knowledge of Brunswick and your knowledge of the industries carried on there?—There is a large industry carried on there.

1271. From your idea of the country and of the large centres of population through which the Outer Circle would run, would it, in your opinion, be a profitable speculation, apart altogether from Oakleigh, say starting from Camberwell and taking in all the populous suburbs of Melbourne, and affording touching places for lines to Whittlesea and Lillydale, and so forth, would such a line promise to be remunerative?—I have no doubt that such a line must be made some day, but whether this is the proper time, Mr. Higinbotham could tell better than I can. I have not seen all the districts—Lillydale and other places. It is a matter of time more than anything else; no doubt a line will have to be made some day up there.

1272. If such a line were made, would it not be, in your opinion, a very convenient way to take the heavy goods from Gippsland to the central Spencer street station?—For cattle it would no doubt be nearer, although I do not agree with Mr. Higinbotham's process for calculating the rate of mileage between the Outer Circle and the Direct Line. William Elsdon,
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1273. Do not speak of the direct benefit of it please, but would it be a very direct way to collect the horned cattle for the market generally at Flemington from Gippsland?—I think it is equally direct with the Direct Line; I think the distance is about the same in reality, though I disagree with Mr. Higinbotham's five miles of difference that he makes.

1274. It is equally direct at least?—I think it is the same distance.

1275. And of course it would be a great convenience to the large number of inhabitants who live in those populous suburbs?—I am of opinion that it will need to be made some day.

1276. *By the Hon. J. A. Wallace.*—Does that refer to the cattle yards?—I am speaking of the cattle yards; I should say it is as direct as the Direct Line.

1277. *By the Hon. N. Fitzgerald.*—And if a large quantity of timber is available at Gippsland and is brought into close contiguity with the brick kilns at Brunswick, it would be a source of profit?—There is no doubt about it; it would be a saving to the people making use of the timber instead of carting from Spencer street; but I am not able to go into the actual saving, as I tell you.

1278. But supposing the traffic would amount to £15,000 a year?—It is a great consideration. Of course, I am merely going upon the supposition that it is correct. It is merely asking for me to give an opinion upon these suppositions submitted to me.

1279. If that railway had to be made some day, and that a day not far distant, and if it be very convenient for a large portion of the trade that Gippsland is bound to supply, and if that line of railway does not involve a circuit of more than five or six miles, apart altogether from professional leanings and your connection with the company, might it not be a prudent thing for the Government to consider, if not to accomplish and to make that the connecting link with the railway to Gippsland?—I think it is entirely a matter for consideration for the Government, although I may have my leaning towards the Hobson's Bay Company, and am an officer of the company and have to protect them; I am giving evidence to-day quite apart from them. I do not know whether the directors even agree with me.

1280. But you cannot disconnect yourself from them after twenty-four or twenty-five years' connection with them; but if that line of railway is in your opinion so important that they will be forced upon the attention of the Government before long, and if that line of railway will afford convenience to a large and important class of the traffic which Gippsland is likely to give, could it not be a reasonable solution of this difficulty for the heavy traffic?—I say I do not know, for the simple reason that the line will be required some day, and I think it will be for the Government to say when that day comes when the line will have to be made.

1281. Suppose the line were made, there is a point upon that line called Camberwell, is there not?—Yes.

1282. Suppose there were a railway station there, how far is it from your nearest point?—From our Hawthorn station within two miles.

1283. Now, supposing the Outer Circle line were made, and a station at Camberwell, the passenger difficulty could be got rid of by a connection with the line at Hawthorn two miles long?—Quite. I said there were two or three points where they could connect, namely—Murray Ross's line, South Yarra, or Hawthorn.

1284. But the reason I come to this is, that the connection at Hawthorn would not be so immediate if there were not an Outer Circle line at Camberwell?—Yes.

1285. The distance from Hawthorn to Oakleigh would not show to the same advantage that I make it appear if there were no Outer Circle to Camberwell?—No; for the passenger traffic it would lessen the distance. From Oakleigh *viâ* Camberwell would be about eleven miles. It is seven thirty-six chains from our station *viâ* Camberwell to Oakleigh, and three miles and a half from Melbourne to Hawthorn.

1286. What is it from Oakleigh to Elsternwick?—Five miles twenty chains; add to that six miles to the Melbourne station.

1287. Practically the same thing?—Yes.

1288. And that gives the construction from Oakleigh to Elsternwick five miles and a half, and you have in addition from Camberwell to Hawthorn only two?—Yes, provided the other is made to Camberwell.

1289. Then two miles would settle the passenger difficulty?—If the other is made to Camberwell.

1290. Then a large portion of the traffic—the timber and cattle traffic—would not suffer from this circuitous route to Spencer street?—If you refer to the timber traffic to Brunswick, certainly not.

1291. Nor the cattle traffic to Flemington?—Nor the cattle traffic to Flemington; but if you refer to the timber traffic to Spencer street—

1292. I am not talking of sawn timber, for there is a collision of evidence as to what that would be likely to be. Then we have these three things solved by the Outer Circle line. We have the passenger difficulty solved without any increase of distance; you have an actual provision for the cattle trade; you have an actual provision for the timber trade to Brunswick; you have the connection for goods at Spencer street; and you relieve the capacity of your station and line, and relieve yourself of the necessity for any powers by sending the heavy goods round the other few miles?—Yes.

1293. Would not all those things be relieved by the construction of the Outer Circle railway?—They would.

1294. And would not all the large outlying districts of Brunswick and Northcote, with the further outlying Lillydale, Whittlesea, and all those, be accommodated more or less by that line?—Yes, they would no doubt come on to that line.

1295. And would not the Government be relieved of making it at any other time, if they make it now?—That, I say, is a matter of time with them.

1296. They would only want one line made?—Yes. I may say, that there is a good large district lying between Elsternwick and Oakleigh who require accommodation equally as much as Camberwell; and I think that the two connections ought to be made; if they make one they ought to make the two.

1297. Have you been over this ground, this land through which this connecting line from Hawthorn to Camberwell would run?—From our station to Camberwell?

1298. Yes?—I know the ground from our station to Camberwell, and also to Oakleigh.

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1299. Now merely deal with the Hawthorn connection. Is there any engineering difficulty along that route?—Not from our station to Camberwell.

1300. No rivers, no tunnels; in fact, it is comparatively a cheap work?—About £10,000 a mile or thereabouts.

1301. Then for about £20,000, to connect Camberwell with Hawthorn, taking running powers for three miles for passengers only, this great difficulty is solved?—Provided the other portion is made; but I take the whole lot right through.

1302. I assume that, by saying that the Government consent to make the Outer Circle; and then it would take only £20,000, and the passenger difficulty is solved?—Yes, about the same amount as Murray Ross's line.

1303. Assuming that that is so, and that there are 150 or 100 passengers a day—I think Mr. Mathison said 150 a day—where they are to come from I do not see; but assume that, and take the average fare at six shillings, what would be the proportion, say from Sale to Melbourne, say for running powers on the Hobson's Bay line, would it be as 118 to two or three?—I should think the revenue to the Hobson's Bay Company from Camberwell would be about perhaps £2000, estimating that amount of traffic; but I have no doubt the secretary will give you that in full detail. I would rather that he should tell you upon that point, because I give more attention to the engineering portion.

1304. *By the Hon. F. T. Sargood.*—You have been questioned as to the conveyance of timber to Brunswick?—Yes.

1305. And you stated that both timber and horned cattle would have been as easily taken to Brunswick as by the present direct route?—Yes.

1306. Do you imagine that any other kind of produce would be brought from Gippsland?—Yes.

1307. What?—Grain.

1308. To any large extent?—There are a great many things there.—[*The witness referred to papers.*]

1309. Wool?—Wool; I think the wool is limited.

1310. At present?—Yes.

1311. On account of the cost of carriage, I presume?—I am not aware that much wool comes down from that district.

1312. Sawn timber?—Yes.

1313. And I believe there is also a considerable amount of tanning comes from there?—Yes.

1314. I imagine that all this would not need to go to Brunswick?—No.

1315. Where would that naturally go to?—The sawn timber to Spencer street.

1316. Would the sawn timber be for local consumption and export?—Both.

1317. Would the wheat be for both?—Both.

1318. Wool would be for export entirely?—Yes.

1319. Taking the local consumption, where would be the best place to land those goods?—Spencer street.

1320. And where would be the best place to ship them—perhaps that is hardly a fair question, but I will put it this way: Having those goods at Prince's Bridge, would you rather send them to Williamstown or to Sandridge, the one being nine miles and the other one and a half. Is that so?—Just so.

1321. But taking all the other produce, the best place would be Spencer street?—Yes, I think I may say that, if the one is carried out, the other ought to be carried out also.

1322. In order to bring all this produce down?—Yes, so that there would be a fair choice of routes for the different descriptions of goods that may come.

1323. In other words, the goods that come for shipment and local consumption might come by Elsternwick and the other by Brunswick?—Yes; and the local traffic—the passengers who may be inclined to go to Brighton, East St. Kilda, Prahran, and other places instead of going to Spencer street.

1324. What do you estimate the cost of the junction to Elsternwick to be?—£25,758.

1325. And the cost of the present Government proposal is about how much?—£126,000.

1326. That does not include the value of the land. Have you any idea of the value of the land?—Of the direct route?

1327. Yes?—I would rather not give an opinion. I might guess at it.

1328. Does not your estimate of the cost to Elsternwick cover the cost of the land?—No. Mr. Ross has already bought the land, and I may say roughly, four or five thousand pounds in addition to the £25,000.

1329. Then £30,000 would do it?—About that.

1330. The portion of the construction of the direct route would be of wooden construction—a viaduct?—So I heard in the evidence.

1331. That, I imagine, would not only be costly, but also take some time to construct?—It will.

1332. Have you any notion of the time from Prince's Bridge to the Yarra?—I cannot say, for I have seen no drawings or plans of it, and that prevents me from making any tangible estimate of the real cost; I could only guess at it.

1333. Assuming that the direct route in the mean time is taken only as far as from Oakleigh to South Yarra, it would not be a very difficult matter to continue the remaining portion in coming years, by raising a few chains of the Oakleigh line back and get over your line and proceed by this viaduct, that is, having come upon the level at South Yarra—would it be an insuperable difficulty?—Certainly not, but the same objections would lie if that line was prolonged hereafter.

1334. Still it could be done?—It could be done.

1335. The cost you are not prepared to say anything about?—My estimate would simply be a random estimate, for I have no plans to guide me.

1336. Your attention was called by the Honorable Mr. Wilson to the land at Jolimont, and you were asked if it would be suitable for a station?—Yes.

1337. At what height does the proposed direct route pass over your railway?—I think clearance provided by the Act is fourteen feet clear headway from the top of our rails.

1338. And what is the height of the bridge?—That depends upon whether it is wood or iron; if iron, two feet or two feet six inches above that, and if wood much more.

1339. How much more?—You may safely say fifty per cent. more.

1340. That is a total of about twenty feet between the two levels?—I should think it would.

1341. At the continuation of your line from Spring street there is a culvert under your line?—Yes. William Elsdon
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1342. What is the distance from your rails to the ground below?—About 14 feet.

1343. And the level of this viaduct would be about 34 feet above the level of the ground?—No, because the portion you refer to is higher than where they intend to cross at Jolimont.

1344. What would be the difference?—About 5 feet or 6 feet, that is, 6 feet off the 14 feet.

1345. Now, taking the crossing at Jolimont, and the culvert I speak of, what would be the average difference between the height of the Government line and this place at the station?—The height of the Government railway at the crossing at Jolimont would be about 20 feet, in round numbers, above our line.

1346. Can you tell me in what way that ground, that large part 20 feet below the rails, can be utilised as a station for goods?—It would take a large amount of money to make it so, it would need to be filled.

1347. You mean it would have to be filled up?—It would have to be filled up.

1348. And in no other way could it be done?—No.

1349. That same remark would apply, more or less, to the land belonging to the corporation commonly called the "tip," now being planted; would not the same objection apply to that?—Yes.

1350. The railway would be considerably above it?—Yes, above it.

1351. I would presume also, that this viaduct, being of wood, would entail a heavy expense for repairs from time to time?—Yes; that, in great measure, depends upon the description of structure again.

1352. The wear and tear of timber work would be more than either?—As to the way it is put together.

1353. You stated in your evidence that there was a difference of opinion between yourself and Mr. Higinbotham, as to the cost of certain repairs required for your line?—Yes.

1354. And you mentioned a difference of £12,000 in some bridge?—Yes.

1355. What bridge is that?—The one across the Yarra.

1356. That had nothing to do with the Gippsland line?—No; that is where I say a portion of the money is required to be laid out, which would not be a quarter of the money he referred to, for the portion of the line that the Gippsland traffic would run over was in good order.

1357. At the time the estimate was made by Mr. Higinbotham?—1872.

1358. Was not the iron market very high?—Yes.

1359. More so than now?—Very much.

1360. By what per centage, do you think?—I think the iron market was 25 per cent. higher than now.

1361. Would that reduction at all affect the viaduct between the coal gear and Spencer street?—The viaduct between the coal gear and Spencer street was principally composed of bricks; at the crossings of the streets it was iron. No doubt it would affect it, the same viaduct could be made now for £60,000.

1362. But the reason for that, I understand, was the cutting down of Batman's Hill?—Yes. No doubt the iron for the bridges would lessen the cost of the structure as much again, at the low price that iron now is.

1363. What amount do you consider would fairly be required to make your line safe for the Gippsland traffic from Melbourne to South Yarra?—Nothing.

1364. Nothing?—No.

1365. *By the Hon. J. Balfour.*—I think you said, in answer to Mr. Cuthbert, that there would be a difference of from 15 to 20 feet between the level of Flinders street and the level of the proposed Government Direct Line coming into Spencer street?—Yes, I think I qualified that by saying, if made up with a breast wall.

1366. Then that shunting that would be required would be an expensive business to get the goods back on to the Flinders street level, if that plan were adopted?—I do not think it would be so very expensive a business; no doubt it depends upon the gradient, but I do not anticipate any great expense.

1367. It would be more expensive than if it were upon a level?—Certainly.

1368. And supposing that that fifteen or twenty feet were made up and the line brought in upon the higher level, is there no gradient in Flinders street at that point going back to Spring street?—Yes, but it would lessen it. There is an expense, but less than in the original case.

1369. What is the gradient there about?—I do not know. I have not seen the Government plans, except the sketch that they had on one of Whitehead's maps.

1370. From your own knowledge of Flinders street, from the point where the line would join it to Swanston street, is it level?—No, there is an incline, or rather decline in reality towards Jolimont, and likewise a corresponding one towards Swanston street and Stephen street in reality comes on the top of the two inclines, the one being more steep than the other.

1371. Then in regard to a question put to you about the firewood, you said that if it were shown by Mr. Mathison that his answer was, that only 20,000 tons of that firewood received at Spencer street station went back to Brunswick, it would fortify your opinion in regard to the answer of Mr. Higinbotham as to the 60,000 tons. I understood you to say that it would certainly have a modifying effect as to the value of bringing the line to Brunswick in connection with the firewood, if only 20,000 went instead of 60,000?—No doubt it is a matter of opinion whether it carries the weight of advice the one way or the other, whether 20,000 or 60,000 tons are carried. I would rather give my answer in a general way, as I gave it to Mr. Fitzgerald, namely, that a line will have to go there some day.

1372. That is not the question. You did not hear the evidence of Mr. Mathison?—I did not.

1373. You did hear that of Mr. Higinbotham?—A portion of it.

1374. And you heard Mr. Higinbotham say that about 60,000 tons of firewood would probably go to Brunswick?—Yes.

1375. The Honorable Mr. Cuthbert seemed to understand that the 20,000 tons that Mr. Mathison said would go back to Brunswick was all that was required, whereas Mr. Higinbotham said that 60,000 tons was all that was required at Brunswick without any regard at all to what went from Spencer street; consequently if it is shown to you that 60,000 tons is all that is required at Brunswick, that would bring you back to your former opinion?—There is not the slightest doubt that a line must go that way some day. The cattle traffic may be equally as much as the wood. I cannot answer the question directly.

1376. But your opinion would not be modified on that point if you heard that that 60,000 tons was an estimate of what was required at Brunswick?—I do not know why the estimates should be so far apart.

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1377. Have you given any consideration of the estimate for the construction of this so-called Direct Line? you see the estimate is put down at about £140,000?—Well, I might guess at an estimate, but really it would be only guessing, for the simple reason that I have nothing to guide me but my eye.

1378. Do you think you have enough to guide you on the estimate already given?—I, as an engineer, would not like to bind myself by an estimate in such a way as to say, here is a line going along there, it is so much per mile. I would not like to do that.

1379. Do you consider that this proposed line is to a large extent running parallel with the Hobson's Bay line?—It does, if it comes into our station and occupies the site, as they say, at Prince's Bridge. It would not have quite the same effect if it was back to the circus ground; but it certainly would have only the effect of opposition, and we can only look at it in that light, if it occupies the ground of the suburban station.

1380. Have you formed any opinion of the projected line of tunnelling from Jolimont under the Fitzroy Gardens, and bringing the tunnel out at Johnstone street—as to the cost of it?—I have not.

1381. You know that is shown upon the plans?—It is shown upon one of the plans; I say, I would not put down an estimate for it.

1382. *By the Hon. G. F. Belcher.*—Yours is a purely passenger traffic upon this portion of the line?—Upon this portion of the line to Windsor, Brighton, and Hawthorn.

1383. Is it in view of this estimated increased traffic that you place such a high value upon the piece of ground that the Government wish to acquire?—Yes.

1384. In the early part of your evidence to Sir Charles Sladen, you stated that the traffic has of late increased and decreased?—I said, upon some stations it had increased and upon some not, but take it as a whole it has an increase.

1385. Upon this particular portion of the railway?—I speak of this.

1386. It has fluctuated?—It has fluctuated during the last three or four weeks.

1387. Then upon what ground do you base this great increase of traffic for time to come?—Upon certain arrangements that we are likely to carry out.

1388. It will apply to the passenger traffic?—The secretary will bear me out.

1389. Can you inform me of the greatest number of passengers that you have sent along the line at holiday time?—I think that the largest amount of traffic at holiday time was close upon 65,000 in a day.

1390. And you can do that without any inconvenience?—I could not say that, because it required my greatest attention and also assistance from the secretary.

1391. But you have been enabled to do that; surely your present appliances ought to be sufficient?—I could not do it every day.

1392. But could not you do that with your present arrangements for the anticipated traffic?—No, for the simple reason, that we are carrying out new arrangements now for a certain amount of traffic, and we think that, as years roll on, our station will require the suburban railway station for the greater portion of it.

1393. Have you any objection to say what measures you are about to take to get this anticipated traffic?—Yes.

1394. You stated, I think, that you were going to ask your directors for power to go to an expenditure in order to give you an increase of twenty per cent. upon the present passenger traffic?—I said twenty per cent. of trains.

1395. Of course that would be for passenger traffic?—Yes.

1396. What did you state to Sir Charles Sladen was the weight of the Government engine that was running along the Gippsland line?—I was informed by Mr. Cundy, inspector for the Government at Ballarat, that the engines made for the Gippsland railway were from 24 to 25 tons.

1397. Then supposing that the engine and tender weighed as much as 48 tons, would your line and your bridges be sufficient to carry such a weight?—Yes, because the weight is distributed.

1398. Then about the bridges?—The weight is distributed.

1399. I do not understand?—I will explain it in this way, that the weight upon a given point is quite as severe as a load distributed, and far more severe.

1400. Take an engine and tender and a heavily loaded truck all upon the bridge at the same time?—I dare say that our bridges upon the Hawthorn and Brighton lines are capable of carrying engines up to 36 tons with safety.

1401. But the answer I want is to this question—if an engine and tender will be 48 tons, and then a truck loaded to its capacity with heavy material for this Gippsland traffic, as you are well aware will be heavy material, would your bridges be able to support such a traffic as that?—Yes.

1402. And I think you answered the question that you did not consider that any expenditure would be necessary to place the line in order for the traffic of Government over the Gippsland line?—None. I do not even understand the question being put to me about putting the Hobson's Bay line into order between Melbourne and Brighton and those places at all. I have never admitted, and do not admit now, that it is in bad order. Our rails there are at least 15 lbs. a yard heavier than any rails used upon the Gippsland line. And if a 60 lbs. rail is capable of carrying an engine weighing 40 tons, I think a 75 lbs. rail of iron and steel is more than capable of carrying the same weight.

1403. Then if Mr. Higinbotham states that it would take another £100,000 to accomplish that object, you do not agree with him?—I do not agree with him; but I say it would be unfair to Mr. Higinbotham to say that that estimate would hold good now. His estimate was made, I believe, in 1872.

1404. He said that last night?—Then I differ from him.

1405. *By the Hon. R. Simson.*—You say, that considering the small amount that you would get for running powers over the Hobson's Bay railway line, one thousand and odd pounds, it would not be worth the risk—would not the risk be obviated altogether by putting down separate rails for the Gippsland line, and giving them a platform to themselves?—Within our fences?

1406. Yes?—That would also include additions to the Cremorne bridge.

1407. Well, whatever it required?—It could be done undoubtedly.

1408. Would not it take away all risk, and prevent any danger to your signals, and so on?—When I speak of a risk, I simply speak of the ordinary risk attached to one or two trains in relation to the amount of money received. I do not mean by risk, that it is a dangerous risk; it is a risk that we take every day upon the railway. I am comparing the one against the other.

1409. The risk would not be increased at all by the running powers?—No; I used an unhappy term. William Elsdon,
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1410. I suppose you find that the traffic upon the suburban railway has increased very much as the railways have proceeded into the interior?—I know there has been an impression for some time that the Government extension of the lines to the interior has really formed a great portion of the traffic upon our line, but I totally disagree with it. I do not mean to say, that it has not formed a portion, but it is not the greater portion. I do not agree with it, for this simple reason, that we have been extending our traffic by giving certain privileges upon the Brighton line, and by certain reductions in 1871, giving more facilities for people travelling by increasing the number of trains. The increase has been quite irrespective, in my opinion, of any increase in traffic that the Government would bring from their extension.

1411. Do not you think that the great extension of the traffic has been caused by the people having greater facilities for coming down from the interior by the Government railways, and going down to Brighton to get sea air, and so on?—At one time that might apply, and even now, in holiday time, I think it might very well apply; but still I think that makes such a small portion, as compared with the whole, that it does not materially affect what I say. I take the whole year right round.

1412. Talking of the running powers again, you seem to see some difficulty in the line coming from Oakleigh to Elsternwick, and coming in in that direction, and taking running powers over your line—could not the Hobson's Bay take running powers over theirs?—Yes.

1413. Could not such a thing as that be mutual?—Yes; there was a hint thrown out I think by Mr. Gillies—properly speaking by Mr. Higinbotham—about 1872, as to the advisability of the Hobson's Bay Company taking the traffic as far as Berwick.

1414. There is no difficulty in that?—No difficulty; but, as I tell you, Mr. Finlayson will go through the whole of such details.

1415. *By the Hon. J. Cumming.*—Can you tell me what the area of the land is from Flinders street and the Yarra, between Swanston street and the continuation of Spring street to the Yarra?—I think, in the case of the one where the circus stood, it was from sixteen to twenty acres, and, on the side next to the Yarra, I think it is twenty six acres—I am speaking from memory.

1416. Do you know what area of that belongs to the Hobson's Bay Railway Company?—That is irrespective of the Hobson's Bay Railway Company. Out of that block the Hobson's Bay Railway Company occupy about from thirteen to fourteen acres.

1417. That is, between sixty and seventy acres in that place altogether?—Yes.

1418. Do not you think that upon that land provision could be made for a large goods traffic?—On which portion?

1419. On each side of it—on the whole of it—that is, supposing the goods were brought in on the level of your lines at present?—If they brought the viaduct in at the higher level, so as to occupy the piece of land next Stephen street, there would be some difficulty in getting to the low land.

1420. If the goods are brought in and dispatched along your lines, could not provision be made there for a large goods traffic upon each side of the line?—If it were brought upon the same level.

1421. And using both sides of your line?—Before fixing myself to that answer, I would be obliged to ask you another point, to tell me the junction point where you join?

1422. That is an engineering question?—But it guides me in my answer, for the simple reason that it is possible that the junction point at the level might be dangerous for the traffic.

1423. Supposing you were interested in providing this accommodation, to have a junction at those places that you thought most suitable,—could you make provision over that area for the accommodation of a large goods traffic?—Undoubtedly, on both sides of the line, if the running powers were taken advantage of.

1424. And you could get exit or entrance by your present goods station on the east side of Swanston street, and also you could easily make provision to get to the level of Flinders street both at Russell and Spring streets, could you not, with drays I mean?—If advantage is taken of the running powers coming in on our line, all the land to the south of our railway could be easily taken advantage of. The land on the north of our railway could not be so easily occupied, because the heights between Flinders street and our railway would be too great, I am afraid, for the occupation of the land.

1425. But you could make approaches?—You could make approaches, but the difference of level is very great.

1426. Do not you think the position as suitable to receive produce from Gippsland, and to dispatch goods to Gippsland, as the present Spencer street station?—I say, that if they had the advantage of the running powers over the company's railway, all the land on the south side, and a great portion on the north side could be taken advantage of.

1427. And any produce from Gippsland for export could be dispatched as advantageously to Sandridge by your line as by the Government line to Williamstown?—Yes, but that does not of course apply to cattle.

1428. But does that imply that there might be no necessity to take any goods beyond the present Hobson's Bay railway station, and that the only provision beyond that would be necessary for cattle?—Yes, for cattle and wood.

1429. It has been stated here, that about 120,000 tons of wood are received at Spencer street station annually, and that about 25,000 are dispatched to the south side of the Yarra, and 25,000 tons to Brunswick; that leaves about 70,000 tons to be accounted for, is that consumed in Melbourne?—Yes.

1430. These 70,000 and the 25,000 tons consumed on the south side of the Yarra could be as readily sent from the place you refer to as from Spencer street?—Yes.

1431. And as conveniently distributed to Melbourne, would it not, think you, be more conveniently distributed? is it not nearer to the population?—It is somewhat similar as far as the consumption of Melbourne proper is concerned.

1432. The places where the consumption goes over radiate from that place to the south of the Yarra and Collingwood and Melbourne. Have you any idea what the quantity of cattle is likely to be from Gippsland?—The estimate that I made in 1871 I think was 150 a-week. I do not know whether I am correct or not.

1433. It has been stated, that it will be 400 a week?—I am not in a position to contradict that.

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1434. How many head of cattle do they put into a truck?—That I know not.

1435. It has been stated that they put in ten—how many trucks would be required to accommodate 450 head of cattle?—That would be over forty trucks.

1436. In a week?—Yes.

1437. Suppose that, instead of taking those cattle trucks, and carrying them by an expensive viaduct from your station to Spencer street, a tramway were laid down from your cattle yards to Batman's Hill, do you think that would be any very serious obstruction to the traffic, taking forty trucks in the week?—I think not. Mr. Higinbotham's evidence is, I believe—and he ought to be a better authority than myself—that it would be a serious obstruction to the carts going to and from the goods sheds. I differ from him, but I must say he ought to know better than I do.

1438. I think there is a misapprehension. I think his objection was that the viaduct would cross the chief approach to the goods sheds at the end of Collins street, but if the trucks were taken along the present level of Flinders street they would go round Batman's Hill, and thence go on to the cattle yards?—Yes.

1439. You propose widening one of the tunnels under the approach to Prince's Bridge, do you not?—Yes; the passenger tunnel.

1440. And when you have that completed it will give you increased running ability there, would it not?—Yes.

1441. How much more ability would you have to run trains out and in than at present?—I think I could take 600 or 700 trains a-day.

1442. That would be nearly double your present ability?—Yes.

1443. *By the Hon. Captain Cole.*—Would you be, without engineering difficulties, able to carry out the proposed line to some portion under Swanston street and under Flinders street, coming out somewhere near Queen street?—Through the circus ground?

1444. A tunnel. Are there any engineering difficulties?—It could be done. It is a matter of money.

1445. Have you any idea if it could be carried further than that, underneath the Custom House, say?—I should think the outlet of the tunnel would be somewhere opposite our present terminus in Elizabeth street. That is as near as I can guess.

1446. At the end of the station?—No; about the middle of the ground; about Elizabeth street.

1447. Would that be preferable to having a line from Spring street, along Flinders street, to connect with Spencer street?—I scarcely know, for the simple reason that the money value would have to be taken into consideration in that case.

1448. What would be the cost?—I would not care about giving an opinion, because I think it is foolish for an engineer to give an opinion of that description. It is nothing but a guess. He has nothing to guide him.

1449. It would be a rough guess?—A very rough guess.

1450. But at a rough guess, say how much a yard—you know the estimate of a tunnel—there would be no difficulty in doing it?—It could be done, but I would rather be excused forming an estimate of it, because you would not only have to consider the execution of the work, but also the money value of the buildings that would have to be bought.

1451. You think there would be no difficulty in coming by a tunnel going underneath that part and coming out somewhere clear of the traffic of your railway at Swanston street?—At first glance, as I say, it appears there would be no difficulty in doing it; but even then, you have to cross Elizabeth street and Queen street.

1452. Under Elizabeth street?—Go through the whole lot of them; then you would get below the water level.

1453. Would that be one of the engineering difficulties?—Yes.

1454. That could be surmounted?—Even that could be got over for a certain amount of money.

1455. It appears to me, that there is plenty of fall, but I simply ask whether it could be done?—It could be done at an expense.

1456. There is nothing to prevent it except money?—No.

1457. *By the Hon. J. A. Wallace.*—You made an estimate, I believe, in connection with the Hobson's Bay line and the Spencer street line?—Yes, about fifteen years ago.

1458. Do you think that, supposing that connection was made, the goods could be brought equally cheap or cheaper from Gippsland to the railway at Spencer street, than by the Outer Circle line?—Yes.

The witness withdrew.

Alexander Kennedy Smith, Esq., C.E., M.L.A., called.

A. K. Smith, Esq.,
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1459. *By the Hon. F. T. Sargood.*—You have paid some little attention, I think, to the plans that have been submitted in another place by the Government?—Yes, I have.

1460. As an engineer?—As an engineer.

1461. You have also, I think, had a considerable experience and much to do with the present Hobson's Bay line, more particularly with the Brighton portion of it?—I was engineer and projector of the suburban line.

1462. You are of course acquainted with all the railways and the general run of the country?—Yes.

1463. Referring now to the description of the proposed direct line to connect Melbourne, as published by *Hansard*, the terminus is to be on the eastern side of Prince's Bridge, and it is to be on the level of the rails of the old suburban line?—Yes, to occupy the position of the old suburban line.

1464. From there it runs on the north side of the present Hobson's Bay railway pretty nearly parallel as far as Richmond, and crosses the line by the North Melbourne cricket ground, I think?—Yes, it runs parallel for the distance of a mile, and then at the Melbourne cricket ground it crosses over the top of Hobson's Bay line at a pretty acute angle.

1465. And at what height above the line?—A height under the soffit of the arch from 14 feet to 14 feet 8 inches; then the depth between the surface of the line and the underside of the soffit of the arch in all 17 feet or 18 feet, according to the plan adopted and the construction of the bridge.

1466. From there it crosses the river at a very oblique angle?—Yes.

1467. Carried on a timber viaduct?—Yes, all the way.
1468. And again crosses the line at the South Yarra station?—Yes.
1469. Crossing at what height there?—At the same height, namely, about 17 feet.
1470. Then from the Prince's Bridge to this crossing at the North Melbourne cricket ground, are you aware whether the line is on a level or not?—There has been no plan submitted to the House, and therefore I am not aware; I presume that running into the terminus would be on a level.
1471. It is not usual to have an ascent or descent into a station?—Not unless the physical features of the country renders it necessary; in this case it does not.
1472. And what height would that viaduct run over the low ground about Jolimont at the end of Spring street?—About 34 feet above the level of the valley.
1473. And is there any proposition to make that land the terminus?—The height that they are above the ground level prevents them from using such ground for station purposes.
1474. It would be impossible to fill up 32 feet?—Not impossible.
1475. Financially impossible; I mean would the line be brought out then at the level of Flinders street at the intersection of Swanston street?—The level of the old line at present approximates very closely to the surface level of Swanston street.
1476. And from Swanston street, in what way is it proposed to connect with Spencer street?—I can only judge from a rough sketch of the line, which I think you have a copy of there, that they propose shunting the goods away to the eastward and then carrying a tramway along Flinders street to Spencer street; the difference of level between Swanston and Spencer streets being 36 feet.
1477. And is that tramway proposed to be carried along Flinders street?—It shows so upon the plan, but I am not prepared to say what their intentions are; of course they have the power to deviate from the plans. I am not prepared to say what the intention was, from the description given in another place it was supposed that the tramway would run along the street.
1478. What is your opinion; is such a line as that advisable?—By no means.
1479. Why?—It would subject a considerable portion of the street to a very important interference, and I think to couple the whole lines of the colony with the Gippsland line ought to be done, and in some other manner than by a horse tramway.
1480. You think it would not be well, that there should be a junction between the principal lines and the Gippsland line?—Yes, I think so, if only to take the engines and rolling stock, and rails and sleepers, and so on at the first commencement; there ought to be a connection in the first instance, but not in the manner proposed or brought before the public by any of the parties.
1481. Do you think that the junction proposed would be objectionable?—Yes.
1482. Apart altogether from any after use it might be put to?—Yes.
1483. Is there any other way in which you can suggest a junction from Prince's Bridge to Spencer street?—The plan that I most approve of is, to have running powers over the present line and from Queen street, which is the terminus of their property, to connect Spencer street station with the line by a railway laid upon the ground level, that is, not upon a viaduct.
1484. That railway, as I understand you, would be to the south of Flinders street line?—South of the building line so as to enable it to be fenced in, except at the entrance to the Falls Bridge, which is 40 feet wide, and the Queen's Wharf, and the other portion to be fenced in, till they get as far west as Spencer street; it would cross that street on a level and go past the dock and then go into the station ground on the level.
1485. If I understand you, you say there is a difference of level of 36 feet between Prince's Bridge?—And Spring street.
1486. What is the difference in level between Prince's Bridge station as proposed to be made and Spencer street?—The suburban station, taking the continuance of the line through the Hobson's Bay station, the difference is only about 4 feet down to Spencer street.
1487. That is the natural fall of Flinders street?—The natural fall of Flinders street. Flinders street falls down to King street, and then it slightly rises up to Spencer street.
1488. But carrying the railway as you suggest along the south side of Flinders street inside the fences, would that not seriously inconvenience the traffic across the Falls bridge, and also down to the wharf?—No. If you take into consideration the very small amount of goods traffic that it would be necessary to send to Spencer street, such as cattle for instance, there would not be many trains. I suppose two trains in a day, or even one, would take all the goods there for many years; and it would pass the five chains at those openings in about two minutes. That would be all the inconvenience to the public from those trains.
1489. Then you anticipate that the bulk of the goods and the whole of the traffic in passengers from Gippsland would be delivered in Melbourne, and not at Spencer street?—As an engineer, I would strongly suggest their having a station at the north of the old suburban line. There is ample ground there, there is no less than sixteen acres; and it would give a frontage from near Russell street up to Jolimont road.
1490. That is, assuming that they have running powers, and come in upon the level of the Hobson's Bay line?—I assume that they take the same ground as they now do for a passenger station, and take the running powers over the line at present from South Yarra down to the old suburban station, which is a very excellent and central situation for passengers; but that the goods be sent beneath Swanston street as at present to Spencer street; that is, the very small quantity of goods that would go there, and passengers should not go there. Prince's Bridge is 47 chains nearer to Brunswick than Spencer street is.
1491. Will you state whether there is room for the passenger traffic to the north of the line, and where would you propose to place all the goods traffic?—From a point midway between Russell and Stephen streets and continuing all the way along Jolimont road there is an area of over 16 acres, 6 acres 1 rood 2 perches of which belong to the corporation, a portion of Flinders park. That is the portion of ground north of the railway which would make a most admirable goods station, inasmuch as it has several outlets, and it is very central both for passengers and goods.
1492. More central than Spencer street?—Much more so. If the firewood be taken there to Spencer street it would have to be taken back again. If you refer to the plan, you will see it is the extreme west of the city, and 70,000 tons are consumed in Collingwood, Fitzroy, and the east part of the city, and therefore the cartage would be less from the place I mention than from Spencer street. The situation is more central altogether.

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1493. And in your opinion there is ample room for both passengers and goods traffic—that is, for the class of goods traffic that would naturally go there?—There is ample room if the population were ten times as much.

1494. And if it be found afterwards that the ground is not sufficient, could the ground on the south side of the line be utilized?—Yes; there are fourteen acres on the south side of Flinders park that could be used. The corporation have been lately filling it up to a certain level above the usual flood level, but it would be necessary to have some other protection against such severe floods as we had in December 1863. Those floods affect the present station, I may say. The ground occupied by the Hobson's Bay railway station is upon the same level as the ground I am now describing.

1495. In connection with the same matter of floods, are you aware that a scheme has been lately laid before the Harbor Trust for altering the course of the river, making a fresh cut and passing over that hollow ground just near Prince's Bridge, filling up the present course of the river, and throwing it into a central station?—Yes, I am aware of that. I think the circumstances would not warrant such an expenditure at the present time. Perhaps a hundred years after this, when the amount of traffic has developed itself, it would require a much larger accommodation, but at present, at any rate, you could get seventy acres more for station ground, if you wished it.

1496. Then, in your opinion, would it be advisable to take the whole of this passenger and heavy traffic round the Outer Circle line?—No, I think not.

1497. Why not?—It is a mistaken policy altogether. There is such a thing as the cost of running of a train per mile, and at the present time, looking at the cost of the line as amounting to nearly a million, it is very necessary to shorten the distance over which traffic has to be carried as much as possible. At present the total amount of traffic estimated is £53,000 a-year, and if you take £1,000,000 at five per cent. that is £50,000, without estimating anything for working expenses whatever; in other words, the Gippsland line will cause a loss of between £25,000 and £30,000 per annum.

1498. You spoke of the cost of running upon the line. Do you know what it is per mile?—I do not know the Government cost per mile, but I am quite in favor of a line connecting the outward suburbs with the city, but it is for the Government or a company to construct an Outer Circle line upon its own basis, not to connect it with the line to Gippsland. I may say that, when I projected the suburban line, the station at Hawthorn was left so much below the level of the road there for the purpose of carrying the line on to Heidelberg *viâ* Kew, and that would be a very good way of making the Outer Circle line; but to carry the whole of the Gippsland traffic round there would be simply a blunder.

1499. And would be a financial blunder, in that it would entail an extra expense in the cost per mile of the carriage?—The very wood that they talk about being used at Brunswick would cost so much more, the distance being so much greater round. Then I find that it skirts the town boundary of Brunswick, and the people must send to that station to get the wood, when they have to load and unload; that is the greatest portion of the expense. I am aware that, under other circumstances, having the wood a little nearer to them would be an advantage, but under present circumstances, I do not think it is worth taking into consideration at all.

1500. You have dealt with the goods coming from Gippsland. Where, in your opinion, would the bulk of the goods go from and to Gippsland? Taking the city as a whole, do you imagine Spencer street would be a central spot?—Not so central as Prince's Bridge, or to the east of Prince's Bridge.

1501. You think the bulk of the goods going to Gippsland would be supplied from houses of business nearer to Prince's Bridge than to Spencer street?—Yes; the one being at the extreme end of the city, and the other nearer to the centre.

1502. Would not that apply even with greater force whenever the proposed alterations in the river by the Harbor Trust are carried out either by canal or docks?—Of course it would, because they would simply run the trains alongside and load into vessels.

1503. And the same facility would be of use in shipping goods from Gippsland?—Yes.

1504. So that, whether for goods going to or coming from Gippsland, you meant that Prince's Bridge would be the most central station?—Yes.

1505. Have you any notion how long it would take to construct the wooden viaduct to South Yarra?—I heard it given in evidence last night that it would be eighteen months, but my opinion is, that it might be from that to two years; but the other portion of the line to Oakleigh could be made in six months. Therefore the public would be able to use the Gippsland line at least twelve months earlier, besides saving a present expenditure of £126,000, and allow that amount of money to be diverted either to supply rolling-stock or to make railways in other parts of the colony.

1506. That is always upon the assumption that you take running powers from South Yarra?—Yes; as an engineer, I say that that is the best plan under the circumstances.

1507. Do you think that is a better plan than running from Elsternwick?—Yes; it is more immediate, more direct.

1508. Would it not very seriously and unfairly interfere with the traffic of the Hobson's Bay line?—It would to all intents and purposes. The line coming in at South Yarra, and running up towards Toorak and Malvern, would tap all that portion of the traffic that now passes over the Hobson's Bay line.

1509. In fact, it would divert a considerable portion of the traffic that now comes to the Hobson's Bay line?—Yes.

1510. In what time do you imagine that the connection between Elsternwick and Oakleigh could be constructed?—In as short a time as the other—six months. There are no engineering difficulties whatever.

1511. As an engineer, what is your opinion—that this Direct Line should be constructed, or running powers taken?—Running powers, by all means.

1512. Where from?—South Yarra; and I would suggest running powers to be taken for a number of years—three, five, or seven years, whatever they might mutually agree upon; and then I would point out that at any subsequent period, if it is found necessary to construct the line as now suggested, they have the same opportunity of doing it. All that is required, is to go back a little to the eastward at South Yarra to pass over the line at a sufficient height.

1513. Then they could carry out the present scheme?—Then, if desirable; but I do not think they would, but they would have the opportunity of doing so.

1514. I think the Hobson's Bay Company at present have their line extended to the foot of Queen street?—Yes, that is the boundary. A.K. Smith, Esq.,
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1515. I think you have already suggested that, though a viaduct might be easily carried from there to connect Spencer street, a level line would be better?—It would answer all the purposes at present.

1516. And save some £80,000?—Yes.

1517. Can you inform us as to the relative cost of transport between Prince's Bridge and Sandridge, and Prince's Bridge and Williamstown?—The cost is in proportion to the difference of the length. The difference is, I believe, seven miles—that is, if it goes round to Williamstown, the distance is nine and three-quarter miles from the Elizabeth-street station; and to the Bay the other way is two and a half miles, making seven miles extra cost to Williamstown.

1518. And that, at the present average cost of running, would be about 2s. 6d. a ton, would it not?—I think it is 4s 5d. Melbourne to Williamstown.

1519. Deduct the difference?—It makes a difference of 2s. 6d. a ton.

1520. That applies to goods both coming in and going out?—Yes, it applies to both.

1521. You are quite certain in your own mind that ample accommodation for a railway station can be got at Prince's Bridge?—Ample, if the population of the colony were ten millions instead of only one.

1522. *By the Hon. H. Cuthbert.*—You have given a good deal of consideration to this question of connecting Oakleigh with Melbourne?—I have.

1523. You have given your views in public, have you not, in the Assembly?—Yes.

1524. The whole line will cost something like a million, when completed, from Gippsland to Melbourne?—I have been informed that the line projected from the other side of the river is to cost £243,000, and I understand that £750,000 have been already expended, and was led to believe that the approximate cost of the whole line would be about a million. Of course that would be now reduced by the difference between the Direct Line upon the north side of the river and the south.

1525. The difference between £127,000 and £243,000?—Yes, about that.

1526. Without the suburban station, as I understand the evidence of Mr. Watson, it did not include the cost of the suburban station, but did include the cost of all other land than that taken from the Hobson's Bay Company?—The cost as given by the Government from Oakleigh to there is £30,000, then from the Hobson's Bay line to the Yarra from the eastern end of the Botanical Gardens would have to be added to that sum; but whether that £30,000 is really included in the estimates I am not aware.

1527. I think Mr. Higinbotham said it was in the £243,000?—I think so too, from a question I asked the Commissioner of Railways. He said the total cost, Melbourne to Oakleigh, would be £126,602, and that of course would include the land.

1528. If that is the original project, and the original project was to take it through the Botanical Gardens—if there had been no gardens there, and no Government House, would you have approved of it?—Yes, I would have been more in favour of it; but the long viaduct that was proposed was an altogether unnecessary work and very costly.

1529. Then the Direct Line is an improvement upon that?—Yes, it is a saving of £117,000, which is an important point.

1530. Having regard to so much being spent upon this Gippsland line, £800,000, do you think it would be advisable for the Government to take running powers from any company, so as to interfere with or take the control of that line out of themselves?—I speak as an expert, and I say that the interference would be a mere nothing.

1531. There would be a little?—I do not think it would be interference. At the present time there are about eighty-four trains a day passing Richmond each way, and that gives an average of thirteen minutes each way. I heard the engineer say just now, that ordinarily they run trains even oftener in the morning; but even if you run your trains at that time, it would not at all interfere with the ordinary traffic of their railway. There is nothing to prevent their making arrangements for that.

1532. But, working as the Hobson's Bay line is now doing with 300 trains coming in and going out in the eighteen hours, do not you think that the powers of the Hobson's Bay line are taxed almost to their full capacity?—No; but besides their trains coming in to the eastward of Prince's Bridge upon the old suburban railway would not interfere with the Elizabeth street station, where the large number of trains you speak of get rid of their passengers, the large number you speak of are the whole from St. Kilda and everywhere else; there are only eighty-four trains passing Richmond.

1533. Eighty-four only at present?—Eighty-four at present each way, being a double line.

1534. In taking running powers from South Yarra, that would be about two miles, or two and a half, from the station?—Yes; two and a half miles from the Elizabeth-street station.

1535. Supposing you were called upon as an expert, as the engineer in connection with this Government line, to make arrangements with the Hobson's Bay line as to running powers; how would you define what running powers should be. Both the Government and the company know to a fraction of a penny what the cost of running is per mile, and the cost of goods per ton—they know it; they can schedule it at so much for repairs, so much for labor, so much for general superintendence; and they can tell the cost of each train per mile over the railway; and would simply find out what that equation was, and express it in their agreement.

1536. Suppose you were acting as engineer on behalf of the Government, would you suggest that that agreement should be an agreement in perpetuity or merely for a short period?—I would not suggest for perpetuity; but for a certain time, and not for a short time.

1537. Why not for 999 years?—If you ask me for the reason, I cannot see any good reason why it should not be for that time.

1538. Would not it be all the better, in the interest of the Government, that it should be for a lengthened period?—Yes, I think so.

1539. Do you think there could be any well founded objection on the part of the Hobson's Bay Company to grant that power in perpetuity?—I do not know what their opinion may be as to the policy of giving a grant over a small portion of their line; but, looking at it from the Government side, it is a most desirable thing to obtain.

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1540. If such a thing could be obtained in perpetuity, what condition would you ask, as engineer on behalf of the Government—for I am now putting you in that position—what terms would you seek to obtain from the Hobson's Bay line as to those running powers; how would you arrange as to the number of trains? I assume that the Government want to run, this year, twenty trains a day, not over the whole line to Sale, but for 20 miles out from Melbourne, and want to run twenty trains a day for the first year; the next year they want to run forty; and they want to have the privilege, perhaps, of every five years of increasing the number by twenty trains. Do you think it would be possible for you, as the engineer acting on behalf of the line, to get the engineer on the other side to concede any such terms as those, or would they be impracticable?—The amount to be charged would depend on the number of trains, the number of miles to be run, the passengers and the goods conveyed; that would be the base of the agreement. And then, as to the permission of the engineer of the Hobson's Bay line to run a larger quantity of trains, say forty or fifty per day, as you state, the only thing then to be done would be to widen the bridge over the Yarra, and to put down a third line of rails, which would make the Government entirely independent of any interference with the other traffic. I always suppose that they come in to the eastern portion of the city, and occupy for the goods station both the low-lying grounds outside the station and the old station, besides having the power of sending goods to Sandridge for export, or bringing up imported goods—for the running powers would not be sufficient without that.

1541. To obtain such powers as I have been speaking about from the Hobson's Bay line, do you think that they could be obtained for anything like the amount that I have heard named—about £1200 to £1500 a year?—I believe that statement; the offer has been made by the company, and if I were their engineer, I would endeavor to get better terms. I think it is too little. You ask my opinion, and that is my opinion.

1542. But suppose the directors of the Hobson's Bay Company said to you, we will give the privilege for a period of five or seven years, would you in the interest of the Government think it desirable to take it for a limited time?—Undoubtedly, I would; it saves an expenditure of money that we require for other purposes, and leaves it always open to the Government to make the same line at any future time.

1543. If you take it for that limited time would it not mean this, that coming to the close of that, the Government would be at the mercy of the company and have to buy them out at any figure?—It does not follow, because they could prepare their other line and have it open before the termination of the contract with the company, always excepting about ten chains close to South Yarra.

1544. Then, would you advise the Government to acquire the right at once to have the same power at any time?—It is all public property—it runs through the property of the City of Melbourne Corporation, and crosses no private property till it crosses the Yarra. It might be well, as a matter of policy, for the Government to buy the land at that point, to prevent valuable property being built upon it.

1545. And by that means secure themselves against exorbitant terms being extorted to the end of time?—Just so, at the same time, I give my own opinion that such a case would not arise.

1546. You do not know what directors may be in power at the end of this year, or what change may come over the Hobson's Bay line?—No; I speak of the policy of the Government. My suggestion is to occupy the low-lying ground. They would then, if they considered it necessary, if there was any good reason for constructing a line as they now propose, be able to do it. But I do not think they would ever attempt to make that change, if they occupied the low-lying ground.

1547. I think that is a very good suggestion of yours, and would suit the city admirably. Were you here when Mr. Higinbotham was giving his evidence?—I was not, I read his evidence in the paper.

1548. Have you formed any opinion of what would be the cost of conveying goods from the suburban station to the Flinders street station—what would be the difference of cost per ton drawn by steam and drawn by horse power.

1549. I have gone over a rough calculation, of course, not going into minutiae, and I think it would exceed the cost of transit by steam from three to four times, at least from three hundred to four hundred per cent.

1550. Then, as to connecting Oakleigh by the Outer Circle, if I understand your evidence correctly, you do not approve of that scheme in connection with the Gippsland line?—No, certainly not.

1551. Would you state shortly to the Committee your reasons for being opposed to that line in connection with the Gippsland line?—It is taking all the traffic from Gippsland an unnecessary distance, in going round about to arrive at the Spencer street station. In the first place I object to it as being more costly, and in the next place as taking the goods and passengers to a station that is not at all central. Those are the two primary objections that I take to it, and a third one is that I believe that a much better line can be constructed to give accommodation to the population who are now clamorous for the Outer Circle railway.

1552. Is it well to mix up with a merely suburban passenger line a goods line?—In my own opinion it is not, if you can avoid it, and in this case you can avoid it. You send your goods quicker to the terminus, quicker to the port of shipment, and at a less cost. Those are two very important advantages.

1553. I suppose, in addition to the cost of conveying goods and passengers by the Outer Circle, there would be a great delay in stopping at different stations. The stations would be numerous upon the Outer Circle line?—They could not work except at additional expense, it would make delay in time and increase the cost.

1554. Are you aware whether there are greater facilities afforded to the people now residing in those suburbs of getting to their homes at a small cost by cabs and omnibusses?—That is within a certain radius, but not going out so far as the Outer Circle line.

1555. Take Brunswick?—No one would ever think of going from Brunswick to Spencer street to come to Melbourne.

1556. I am informed that you can get to Brunswick for threepence. Do you think it would be possible for any company to carry on traffic and carry passengers four miles for threepence and make a profit out of it?—Do you mean a tramway?

1557. A railway?—Passengers load and unload themselves, and if you have a very large traffic, a very small rate per mile will pay.

1558. *By the Hon. N. Fitzgerald.*—Supposing the Government refuse to adopt your suggestion that you make as the easier plan, you are aware that there are other plans of connecting Oakleigh with Melbourne before the Government?—Yes.

A.K. Smith, Esq.,
C.E., M.L.A.,
continued,
3rd August 1877.

1559. If the Government refuse to take running powers, which do you think the next best system of carrying the Gippsland traffic, of all the schemes before the public?—I think Millane's line has advantages which the Outer Circle line has not.

1560. But I presume you think it important to connect all the goods traffic with the central dépôt at Spencer street, if possible?—Yes.

1561. This does not supply any connection with Spencer street?—That is the disadvantage of his scheme; and he suggests a plan which I do not admire at all.

1562. But except that, do you think the Outer Circle line preferable to the line in this Bill, call it the Government line?—I am rather at a difficulty there, I would prefer this line if they would construct it properly, even without running powers; but if they keep it at that great height it is very objectionable, and I would just about as soon have the Outer Circle.

1563. But you spoke of Brunswick and Northcote, and so on, all round there there are factories, and bricks are made there, they have to be brought to Melbourne, would not that form an item?—No, no one would send bricks or bluestone by railway.

1564. In advising a second station for the railway to Gippsland, it would add to the cost—it could not be done with the same economy as if done at one station at Spencer street?—There would be no difficulty in connecting Spencer street, and making that the central station, though I say it is not advisable.

1565. Then would the facilities be greater by connecting with the Hobson's Bay railway, than from the corner of Spencer street; certainly, as I understand, it would run within the Hobson's Bay reserve to Queen street?—Yes.

1566. But Queen street is the great outlet from south to north; that would be a great public inconvenience?—Where would the inconvenience be?

1567. Would not the inconvenience be the same at the wharf?—I am entirely opposed to a tramway on the street.

1568. I understand you, that there is no great difference in point of convenience, between the tramway suggested by the Government and the tramway suggested by you?—I do not suggest any tramway at all.

1569. How would you connect them then?—By a railway upon the ground level.

1570. Then there would be no difference, in point of public convenience, in a line of rails connected with Swanston street, any more than in a line of rails on the railway reserve?—Yes, because the present scheme of the Government is to run up as far east as Spring street, and run a tramway down Flinders street along its entire length.

1571. Quite so, but the traffic in Flinders street is smallest between Spring street and Swanston street?—Yes.

1572. The public convenience begins practically at the Falls Bridge?—Yes.

1573. From there to Spencer street, as to public convenience, the Government scheme, and your scheme to the Hobson's Bay railway, are equal?—No; a tramway is much more objectionable.

1574. I do not speak of a tramway, I speak of a railway?—You are comparing the two propositions, the rails are the same.

1575. I suppose that the Government yield to popular opinion in substituting horses for locomotives, except the rails, they are the same, the power merely is different?—I say, that going along the street is very objectionable indeed.

1576. Would the inconvenience be any greater from the one scheme than from the other, suppose both use locomotives?—Certainly.

1577. Where?—There would be nearly two miles of it to begin with; the one is the whole length of the street, and a backward shunting, you have to shunt back your goods from Swanston street to Spring street, and then bring them all the way back the entire length; I could show you upon the plan.

1578. *By the Hon. J. A. Wallace.*—Are you aware if any connection can be formed from the Hobson's Bay railway to Spencer street?—Yes; either upon the high level or upon the low level.

1579. Do you think goods can be delivered as cheap from Gippsland by the Hobson's Bay line with that connection, as by the Outer Circle line?—Much cheaper, the cost being in proportion to the length of the transit.

1580. You are in favor of taking running powers over the Hobson's Bay line?—I am.

1581. Whether by taking running powers or purchasing the line—which would you prefer?—I believe it would be sound policy in the Government to purchase the Hobson's Bay line at the present time; I think it would be good policy. The return now upon the present Government railways is 4.66 per cent., that is £4 13s. 4d. per cent. Well, if they purchase that line at anything under One hundred pounds per share it would pay them about six per cent.

1582. Suppose the Government were to purchase the line, do you think it would be better for the Government to keep the Hobson's Bay station as a passenger station, and the Spencer street station as a goods station?—It would pay the Government better to ship all their goods or to take all their imports at Sandridge instead of Williamstown, inasmuch as the difference is two miles and a half to nine miles and a half, and therefore they could ship goods and take in imports much cheaper than they do at Williamstown. The cost of making the level connection would not exceed £5000, the locomotive connection between Spencer street and the Hobson's Bay railway station at Queen street.

1583. And you think goods can be delivered from Gippsland equally as cheap by the Hobson's Bay railway with that connection as by the Outer Circle?—Much cheaper.

1584. And then there is the difference over and above of the carriage over seven miles?—Yes, you save the seven miles besides.

The witness withdrew.

Thomas Finlayson, Esq., called and examined.

Thos. Finlayson,
Esq.,
23rd August 1877.

1585. *By the Chairman.*—Are you the secretary of the Hobson's Bay Railway Company?—Yes.

1586. *By the Hon. Sir C. Sladen.*—You know, I believe, where the proposed direct line to Oakleigh starts in the neighborhood of the Hobson's Bay railway station?—It starts nearly from the corner of Swanston and Flinders street.

1587. Close to the market?—Yes.

1588. Known as the old suburban station I believe?—Yes.

1589. You are aware whose property that is?—It is the property of the Melbourne and Hobson's Bay United Railway Company.

1590. How did they acquire that property and when?—They acquired it by the Amalgamation Act in 1865.

1591. Was that by grant?—It was a grant of land given to the Melbourne Company, dated the 16th of January 1860; and in consequence of the amalgamation was vested in the Melbourne and Hobson's Bay United Company.

1592. I suppose the Hobson's Bay Company are entitled in fee to the land?—Yes, they have a grant.

1593. Under the Amalgamation Act, was it a direct transfer from the Melbourne Company to the United Company?—It was a direct transfer; but there was a further Act to which I beg to call your attention.

1594. Have you that deed?—I have not.

1595. Is the deed in the possession of the Company?—The deed is in the possession of the solicitors, but I may draw your attention to an Act that was passed immediately after the amalgamation.

1596. Which Act was that?—No. 271, Vict. 28. Under the grant there were certain reservations.

1597. Under the deed of grant?—Under the deed of grant.

1598. Do you know what those reservations were?—

1599. *By the Hon. H. Cuthbert.*—Perhaps, as they are in the deed, it would be better not to refer to them, but produce the grant?—I only speak with regard to the Act.

1600. *By the Hon. Sir C. Sladen.*—At all events, the grant can be produced, if necessary, when the Committee sit again?—Yes.

1601. What section do you refer to?—The second section.

1602. Would you have the goodness to read that section?—I have only got a note of it here; it is free from all reservations and exceptions for making public ways, canals, or railroads.

1603. Had not I better read the section as it is, if you please, which will be in the nature of a question to you: "Upon and subject to the condition in the last section mentioned, the said united company shall hold all lands granted by the Crown to either of the amalgamated companies free from all reservations and exceptions contained in any Crown grant of any part or parts of such lands required or to be required for making public ways canals or railroads, and also free from all rights of ingress egress and regress for such purposes, and from any rights-of-way subsisting by virtue of any proclamation made by or under the authority of the Governor in Council or by virtue of any such reservations or exceptions as aforesaid: Provided always that this section shall not apply to any roads or ways which may hereafter be proclaimed by or under the authority of the Governor in Council over any bridges which may be at any time hereafter lawfully erected over the railway of such united company." That is the clause to which you allude, I believe?—That is the clause.

1604. What is the effect of that; what do you conceive to be the effect of that clause?—That the Government have no right whatever to interfere with the company's property under any circumstances.

1605. You think that is an exemption from any right the Government could have under any Act either before or since?—The company look upon it as a special arrangement made by Government, and they considered that they have paid to the Treasurer of the colony the sum of £5000 for the making of a bridge over the railway, also £1500 for improving the Moray street culvert and gave a level crossing at Ferrars street, Emerald Hill, which would be more than £1000 in consideration of having this Act passed.

1606. That was a consideration for the special exemption?—Yes.

1607. *By the Hon. H. Cuthbert.*—Five thousand pounds for a bridge?—Five thousand pounds to the Treasurer to build a bridge over the railway; £1500 to improve the Moray street culvert, which actually cost nearly £2000.

1608. *By the Hon. Sir C. Sladen.*—Therefore, speaking on behalf of the company, you consider that the Government have no control over that portion of the land without the concurrence of the company?—I would go even further than that, as I consider it was almost a breach of faith on the part of the Legislature to take any portion of the land from the company after having entered into such a contract.

1609. Has any overture been made by the Government to the company for this piece of ground?—No.

1610. No communication?—No.

1611. Would the company be in a position at the present time, if they had really a desire to sell that land?—No, they could not.

1612. Could you inform the Committee why?—They would require a special Act of Parliament; first of all they must have the consent of the shareholders of the company to authorize the directors to apply to Parliament for permission to sell; and, in addition to that, they would require the permission of the debenture holders, inasmuch as the debenture holders hold a security over the whole undertaking of the company, in which is included the land belonging to the company.

1613. In what amount are debentures held against the company?—£465,300.

1614. Then they are secured?—The debenture holders hold security over the whole undertaking of the company.

1615. What is expressed in the debenture bond?—Including the land now sought to be taken from the company.

1616. That is expressed in the debenture bond?—Yes.

1617. Are the debentures transferable by delivery?—Yes.

1618. Therefore, under those circumstances, until the debenture holders are paid, until the debentures are redeemed, the company themselves have no free control over that land?—No.

1619. You look upon those debentures in the nature of a mortgage?—They are virtually a mortgage.

1620. In fact, if the Government were to take this land and to give compensation, who would give a discharge?—I cannot see how the Government can take it, without depriving the debenture holders of the security they now hold.

Thos. Finlayson,
Esq.,
continued,
23rd August 1877.

1621. How many are you shareholders?—They are between 300 and 400; I do not exactly remember the number.

1622. Holding between 10,000 and 11,000 shares?—Yes, two-thirds of the whole number of shares are held in England.

1623. Two-thirds of the whole amount in value?—Yes, in value; and one-third in the colony.

1624. Two-thirds of the whole amount; what is the whole amount?—£534,700.

1625. And two-thirds of those are held by shareholders in England?—Yes.

1626. What would be the effect of the Government laying its hands upon this land without the consent of the company and the shareholders at home?—I should think it would have a very prejudicial effect upon the securities of the company, both the debentures and the shares of the company. It would prevent the company from going into the market to borrow money upon the same favorable terms upon which they have been doing.

1627. Would it be at all like a breach of faith upon the part of this Government towards the company?—I think so; and not only a breach of faith towards the shareholders of the company, but also a breach of faith towards the debenture holders of the company.

1628. Then it would have a wider effect than upon the shareholders of the company, if such a circumstance were known at home?—In my opinion, it would not only depreciate the debentures of the company, but it would go very much further, and depreciate the debentures of the Government.

1629. What effect would it have, do you think, upon the debenture holders whose debentures are specially secured, upon this as well as other property of the company?—I do not think that the market value of the debentures would be the same if such a Bill as is now proposed passed, and consequently they would receive less money if they wanted to realize than they would without that Bill.

1630. Would there be a feeling, that there was not sufficient security for holders of property here?—There would be a want of confidence in any securities similar to the Hobson's Bay Company among investors in England who lend money.

1631. Can you speak from your own knowledge, as secretary of the company, whether the loss of that land, or whether the taking away of that land, would be depriving the company of valuable space which might be necessary in case of a large extension of traffic?—I certainly think that it would vitally affect the company. If we look at the reports of the last five years, the increased traffic that has taken place on the line (and we have every reason to believe that it will go on increasing in the same ratio), the accommodation that we would require would not only take in that land, but in my opinion we will require some further additions besides that. Plans have been prepared by the engineer—

1632. Some further additions of space?—Yes; plans have been prepared by the engineer of the company nearly eight or twelve months ago, and have been partially approved of by the directors; an expenditure is now going on to the extent of £4500 in altering the Melbourne station; and further, the plans that the engineer submitted will show you that the whole of this land that the Government proposed to take from the company will be required for the use of the united company.

1633. And do those improvements contemplate the occupation of this special piece of land with lines?—The whole of it.

1634. And therefore that is an essential feature—Is there any other outlet for the extension of traffic beside that?—Not to any extent.

1635. At the present time, it is a very valuable piece of land to the company for the purpose even for which you use it, is it not?—It is.

1636. It is used for a place for watering and coal?—For a coke stage and water, and also as a siding for carriages to be cleaned, and also for some engines.

1637. And if you had not this piece of land would you have any difficulty in finding space to do the same work?—We would require to go to a considerable expense to prepare space for it, and even then it would be very inconvenient.

1638. That is to say, the working expenses would be greater than on this piece of land?—Very much greater.

1639. Have you ever considered the question of running powers over the Hobson's Bay railway lines?—We had, when the St. Kilda and Brighton railway was first constructed, an arrangement with them for running over their line. In the first instance the Hobson's Bay Company worked the line.

1640. Worked the St. Kilda line?—Worked the St. Kilda and Brighton line, and charged them the actual outlay for working their line, drawing our profits from the increased traffic over the Hobson's Bay line.

1641. In what proportion was that?—We calculated the number of men that would require to be employed as engine-drivers, guards, &c. The St. Kilda and Brighton Company found the station-masters and men to repair the line. The Hobson's Bay Company ran the train through to Brighton at a rate of 2s. 10d. per train mile, which was somewhat less than the actual cost to the company. After that, a further arrangement was entered into, whereby the Hobson's Bay Company sold to the St. Kilda and Brighton Company two engines and five carriages; by that means the St. Kilda and Brighton Company ran one train to town, whilst the Hobson's Bay Company ran another train to Brighton. The result of that was, that the expenses—working expenses—nearly balanced each other; so that, if it cost the Hobson's Bay Company more to work the Brighton Company's line, it would cost the Brighton Company more to run over the Hobson's Bay line than they received. No profit should be derived from working the lines outside their own.

1642. Was that considered a satisfactory arrangement?—It was. In addition to that, I may mention, that for every mile that a carriage or waggon has run over another line they are paid at the rate of about $\frac{3}{4}$ d. or a penny per mile for a first-class carriage, $\frac{1}{2}$ d. a mile for second class and for guards' vans, and about $\frac{3}{8}$ of a penny for waggons down to a $\frac{1}{4}$ d., according to the value and class of the waggon.

1643. Per mile?—Yes; the company owning the waggon or conveyance receive that from the company using it.

1644. That is a general principle?—That was the principle laid down on all the lines in England.

1645. Would it make any difference, the length of line run over?—No.

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1646. But in case of the company exercising running powers, and making use of the terminal station, would there be any difference then?—No. I may explain to you, suppose that a line of railway between Sale and Melbourne was 100 miles, and that a junction was made at Elsternwick by the Government, the proportion due to the Hobson's Bay Company would be sixpence, that is, suppose the passengers were carried at a penny a mile. The Hobson's Bay Company would get sixpence; the Government would run their trains up to town, and would receive for running their train from 33 to 50 per cent. Suppose 33½ per cent.—one-third—that would take twopence off the sixpence that would come to the Hobson's Bay Company, in addition to which the Government would be entitled to so much a mile for the carriages run on the line. There being a further reduction out of the proportion due to the Hobson's Bay Company for using the Government carriages for the passengers.

1647. Would the same arrangement apply to running from a terminus?—Yes. In that event it would be no advantage to either party charging more than the actual outlay, because it is mutual, if the Hobson's Bay Company were able to run over the Government line, and if it cost them more to do so than it cost the Government to run over the Hobson's Bay line, the loss would be sustained by the Hobson's Bay Company; so that it is to the mutual advantage of both parties to charge the amount of actual cost of running the train, leaving the balance to each party of the traffic.

1648. Is there an advantage to the company holding the lines run over that another company should exercise those running powers over their line?—Not necessarily.

1649. For instance, would it be to the advantage of the Hobson's Bay Company that the Victorian railways should have running powers over them?—It would be more a convenience to both parties than an advantage, because the Government bringing up an engine to Elsternwick could easier come through than for the Hobson's Bay Company to have a special engine there to bring the train through. It would cost more—of course I quote Elsternwick as an example of any other station—if the line was opened to Elsternwick, no doubt the Hobson's Bay Company would run suburban trains, if it would pay them, as far as Oakleigh, and in that case the Government could sustain no loss, because the company would receive simply working expenses after they passed their line, and their profit would be derived from the increased traffic brought on their line between Elsternwick and Melbourne.

1650. Then the Victorian railway would receive no share of that?—No.

1651. Have you formed any idea at all what would be the annual amount passing from the Hobson's Bay railway to the Victorian railway under such an arrangement?—Some years ago I went into this matter, but after looking at it from every point of view I could, I thought the better way was to collect as many estimates as I could, and take the mean of the lot, because I have never in any instance seen an estimate of railway traffic turn out anything like correct. Railway traffic is very peculiar. We really do not know where traffic will start up, and we have to watch it and take advantage of it. The public will very quickly let us know where there is a likelihood of any traffic, and by watching that we develop it. A traffic probably that we never thought of will be developed in twelve months after the railway is opened. Railway traffic is peculiar—different almost from any other traffic.

1652. Do you find that estimates deceive you, as more or less?—Sometimes it is less, sometimes it is more, but generally it is in the details they are wrong.

1653. It is difficult to calculate all the contingencies which may arise on the opening of a line?—Yes.

1654. I was leading up to a question which I think I asked just now, and you were preparing to answer it—if you have formed any idea of what the total amount would be payable by the Victorian railways to the Hobson's Bay Company for running either from Elsternwick or Gardiner's Creek road, I assume under the rates which you have mentioned as current, and the conditions?—Yes, supposing the traffic to be £38,000, the Hobson's Bay Company would receive £1200.

1655. That is about a thirtieth?—It is divided by mileage and 33½ per cent. allowed to the Government for working expenses?—That is upon the assumption that the gross traffic goods and passengers would amount to about £38,000?—Yes.

1656. Both ways, I suppose?—Both ways.

1657. About £1200 the Government would have to pay to the Hobson's Bay Company?—Yes.

1658. Would they have to pay anything else for the use of the line?—Not if they come up to the ordinary station, but if they had a special station they would require to pay for it separately.

1659. What difference, may I ask, would that make?—It would require special attendance. A similar arrangement took place in London, I think, now about 26 or 27 years ago, where the Midland Company of England had a special station at Euston, in London. The London and North-Western having another station, the Midland paid a special rate for the use of the station, and I think it would be applicable here in the event of the Government making use of any particular part of the company's land so as to prevent the company using it.

1660. In the case you allude to, did the Midland run over the London and North-Western?—They ran from Rugby.

1661. Upon the London and North-Western?—Yes.

1662. And they had a special station at Euston?—Yes.

1663. Whose establishment was that separate station?—It belonged to the London and North-Western railway.

1664. Therefore the special station was still a station under the charge of the London and North-Western Company?—No; the Midland Company had their servants specially told off for that station.

1665. That alters the case then, and it entailed upon them an additional charge payable to the London and North-Western?—Yes.

1666. I should have thought it would have rather relieved them of some part of the charge, because of going to a separate station with an establishment of their own?—But the property was very valuable.

1667. But was the separate station still the property of the London and North-Western?—Yes.

1668. It was in the nature of rent, then?—It was in the nature of rent.

1669. Then upon the basis of about £38,000 gross receipts from passengers and goods, the Committee understand that the cost of running powers to the Victorian railways over your line would be about £1200?—Yes.

1670. Would you be kind enough to inform the Committee how you manage things at the station, in the case of passengers and so forth; will the establishment of the Hobson's Bay Company conduct that?—Yes.

1671. Without any interference whatever from the Victorian railways?—Yes.
1672. And without any assistance from them?—Without any assistance from them.
1673. Do you conceive that your station accommodation is sufficient for the extra traffic which would be caused by these running powers from Gippsland?—I consider that the present state of the station is ample to accommodate the Gippsland traffic.
1674. As it is now?—As it is now, and when the alterations now in progress are completed, it will be able to accommodate a very great deal more.
1675. Do you conceive that the goods traffic coming through your station will be at all a hindrance to the ordinary passenger traffic?—I do not think it will in the least.
1676. You are quite conversant with the whole traffic of the station; you speak with authority?—Yes.
1677. The arrival or departure of any train of the Victorian railways would not interfere with your suburban traffic?—No. Previous to forming a time-table the Government would inform us at what time they wanted a train to start, or at what time they wanted it to arrive, and a joint time-table would be framed in accordance with that.
1678. And there would be no difficulty in such an arrangement as that?—None whatever; it is a matter carried on every day throughout the whole of England.
1679. Can you inform the Committee how many trains come in and out on the eastern side of your Hobson's Bay station in the course of a day?—There are 84 trains leave the station for Windsor and Hawthorn, including Brighton.
1680. That makes 168 in the course of the day?—That makes 168 trains in a day.
1681. At about what intervals usually do they run—what is the shortest interval?—Three minutes.
1682. Are the trains frequent which only have that short interval?—No; those trains run only between eight and ten in the morning and half-past four and half-past six at night.
1683. That is two hours in the morning and two hours in the evening?—Yes.
1684. And do they run at intervals of three minutes during those two hours?—No, only occasionally.
1685. It is only within those limits?—I may state, that frequently on the lines in England two trains are advertised to start at the same moment, the one being an express train is started first, and immediately after it goes out of the station the ordinary train follows; the express train passes the first and probably the second station, and is thus out of the way.
1686. What is the difference between an express train and another train?—An express train is a train that will only call at certain large stations, passing by the others, and travelling at a quicker rate of speed.
1687. Have you found any difficulty in those trains running at short intervals on this line?—No.
1688. Have you had any accidents happening from it?—No.
1689. If a train starting only three minutes before another breaks down, might there not be danger?—It would be the same thing if it was ten minutes before.
1690. But there would be more time for telegraphing then, would there not?—Yes, there would be more time to telegraph.
1691. Then there would be more danger with the shorter interval than with the longer one?—Of course.
1692. Then a train that starts only three minutes before the other has not time to be telegraphed at the next station?—We do not telegraph each train.
1693. Is your system of signalling at all interfered with by weather—fog or anything of that sort?—Yes, occasionally.
1694. What would be the case with trains starting very shortly after one another in a fog, say?—When fogs are about—(occasionally there are fogs in Melbourne)—we caution the engine-drivers to proceed with great caution; and they would be able to draw up a train in a very short distance and prevent any accident.
1695. Are you able to keep time in that way?—Yes, because every man is on the alert, and there is no time lost at the stations.
1696. Practically, there has been no interruption nor accident from circumstances of that character?—No; in fact, every accident that we have had has arisen entirely through the carelessness of the employes.
1697. But in the case of a train not belonging to your establishment running upon your line, would you be so sure of the same care in conducting the train in a fog in such a manner as to be able to pull up very readily—what hold would you have upon the driver and engineer of a Victorian railway train?—When he came up to a signal, even in a fog, he must see it before he passes into the station.
1698. Then a fog does not preclude your seeing some signals?—No, you see the distance signal. We have a main signal and a distance signal. An engine-driver as he approaches a distant signal (under our regulations it is always at danger), has to whistle down that signal before he can pass under it.
1699. At what distance would he be aware of that signal, say in the worst times?—He might coming up in a fog see the distance signal thirty or forty yards off, but before he went into the station he would have to go fully 300 or 400 yards, and every engine-driver would have his train in hand on approaching a distance signal.
1700. I suppose there would be greater difficulty in stopping a mixed train of goods and passengers than one of your passenger trains?—Not at all.
1701. Would not the one be heavier than the other?—No, that makes no difference; it depends on the break power.
1702. Therefore, supposing that the Victorian railways were running upon your line, even in a time of day when your line is most occupied, you do not anticipate any danger of collision?—No, I do not.
1703. With proper management?—No. You were speaking about the number of trains just now that left our station.
1704. To the eastward?—To the eastward. I said eighty-four in and eighty-four out. I may mention to you that at Moorgate street and Baker street, 368 trains pass in and out of those stations every day in London, under ground.

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1705. Have they the same system of signalling, or a different system from what you have?—They have the same signals, but they telegraph each train from station to station.

1706. They are not subject to the inconvenience of fogs in the tunnel, I think?—Well, they are always in the dark.

1707. In the city they are rather dark. They have 368; do you mean going and returning, or do you mean one way?—Out and in.

1708. That is to say, 184 each way?—Yes.

1709. And here you have only eighty-four, that is a margin of 100 each way?—Yes. I may also say, that there accommodation is not so large as ours.

1710. Not nearly so large, I suppose?—Not nearly.

1711. Do they carry any goods on their line?—The through trains, as they are called, carry goods.

1712. During portions of the day, I think, they connect the different companies?—They connect the different stations; but I cannot speak from personal observation, because I have never seen it.

1713. As a rule, the 368 trains are passenger trains?—Yes. I made it up from their time table.

1714. Up to what number of trains do you consider traffic will be safe in your station in a day?—It would be very difficult to give an opinion, but I believe any number that the traffic can possibly require.

1715. Do you think you could double the number?—I should say three times.

1716. You would not be apprehensive of danger even if they were doubled or trebled?—No. We should make such alterations in the stations as were required.

1717. I suppose you run as many trains as most railways, taking most of the railway stations in London—not the Metropolitan, excluding that?—Not so many as the underground railways, but so far as the large railways we run, I think, more trains than they do; but they have a large traffic in goods that we have not.

1718. And do you conceive that there would be any difficulty with the station accommodation that you have, or have the means of getting, in getting rid of the luggage portion and the goods portion of the train, without any hindrance to the traffic?—I do not see any reason why we should not get rid of it as easily as we do of the passengers.

1719. I understood Mr. Elsdon to say that there is no difficulty in passing traffic through the coal depôt where it is now, and so out to Spencer street if necessary?—No; the train would pass through the station in a minute, and it could not inconvenience us in any way.

1720. Do the trains come in and out upon the same line?—No, we have a double line.

1721. *By the Hon. H. Cuthbert.*—Then as I understand your evidence, you do not wish, in order to connect Oakleigh with Melbourne, that there should be any interference of any description with the Melbourne and Hobson's Bay line?—I do not quite understand your question.

1722. You object to any interference on the part of the Government with the Melbourne and Hobson's line?—No.

1723. You do not want a line to come in competition with the Hobson's Bay line?—Am I to understand that you imagine that I object to a junction with the Government line?

1724. No, with a parallel line, a line running parallel to yours?—Yes, certainly.

1725. For a mile or two, you object to that?—Yes, we certainly object to that, and I think it would be a breach of faith on the part of the Government.

1726. You think it would be a breach of faith?—Yes.

1727. Do you think that the Hobson's Bay Company have any greater right to the lands that have been conferred on them than the owner of private property who holds his grant from the Crown?—Yes.

1728. You do?—I do.

1729. Then you hold that your title is superior to a Crown grant?—It is.

1730. Why?—A special Act of Parliament has been passed for the purpose of taking away the reservations that were in the original Crown grant, and relieving the Company from being called upon to allow the Government to make canals, roads, or railways through their property.

1731. I think you said that with much difficulty you could procure the original Crown grant?—I think there is no difficulty whatever. I can do it. I can get it now.

1732. I wish you would?—I can send down to Elizabeth street.

1733. Will you have it sent to the House on Tuesday?—I will, with pleasure.

1734. Then do I understand you, that that original Crown grant, with all those reservations, have all been cancelled; the reservations put in for the sake of the public at large have all been cancelled?—Yes, to the extent mentioned in the Act.

1735. And in consideration of £5000 and £1500 and something else that you mentioned—how much more?—A thousand pounds.

1736. Seven thousand five hundred pounds. You conceive that such rights have been conferred upon the Hobson's Bay Railway Company that they stand in a better position—a more sacred position than people who have gone into an auction room and purchased their lands at auction?—I think so.

1737. And paid the full value for their land?—Yes.

1738. Now, you are aware that when a railway is required for public purposes no land is sacred?—I am aware of that.

1739. In England, through a nobleman's park and near his house, a line has been frequently run?—Yes.

1740. In Scotland, are you aware that even parks that have been dedicated for public uses for centuries have been used for the construction of railways?—Yes.

1741. So that in England nothing is too sacred?—I believe Buckingham Palace is too sacred.

1742. Everything must give way to the rights of the public; is not that the case even in England and Scotland?—No, not what Parliament has sanctioned—

1743. I cannot understand for a moment how you place your line in a position superior to the rights of the Crown?—A special arrangement was made with the Legislature that, in consideration of paying a certain sum of money, the company would be relieved from certain conditions in their Crown grant.

1744. Did you take any active part in getting the Bill through the Legislature?—I did.

1745. It was a private Bill?—Yes, it was.

1746. Was evidence taken at the bar of this House in connection with it, when all those reservations that the wisdom of the Crown inserted in the Crown grant were done away with—was evidence taken in this House in connection with the abolition of those reservations?—No.

1747. I think not. It comes by surprise upon many members that these reservations should be taken away?—The Bill, I may mention, was twice before this House; it was sent back from this House to be altered.

1748. It was sent back?—It was.

1749. In connection with these reservations?—No, but it was sent back.

1750. Now tell me this—you think that if any portion of the Hobson's Bay line is taken for the purpose of the great national undertaking of the Gippsland line, that it will materially affect the interest of the shareholders and the debenture holders?—I think so.

1751. Do you think that, if they are amply compensated in money for anything that is taken from them, it can be considered in any way as a breach of faith?—I do not think you can compensate them.

1752. Will not money accomplish anything?—No.

1753. Money will not?—No.

1754. What is the value of your line as a whole?—You are only taking a portion of it, and a small portion of it.

1755. But you say no money compensation would be equivalent to a breach of faith?—No money compensation that would be awarded under the Lands Clauses Consolidation Act would pay the company for the loss they would sustain.

1756. But how do you know what amount; surely there is a proper tribunal to try that question of compensation. Are not you prejudging the matter altogether when you come to such a conclusion?—I do not think so.

1757. You do not?—No, I do not.

1758. All that you have stated to Sir Charles Sladen to-night might be very well urged when that question came before the arbitrators or a jury; but do you mean to tell me that with all those facts before a jury that was to try the question of compensation, they would be forgetful of their duties and not give a compensation?—They would.

1759. Is that your opinion of juries?—I think so, because the question as placed before them would be so difficult for them to understand, that they would not be able to see it in the light that the company would wish them to see it in.

1760. Are not you aware that the Legislature of this colony has so much improved the formation of juries of late, that none but intelligent men are to be found on juries?—I am not aware of that.

1761. You are not aware of that?—I was told the reverse the other day.

1762. However, the opinion you have formed of trial by jury is anything but satisfactory. Now let me ask you, have you any experience in any case? Has any portion of land been taken away from the Hobson's Bay Company against their will in which ample compensation has not been given for it?—No portion has ever been taken away.

1763. Then assuming that a jury was to give what you consider a fair amount of compensation for the injury done, and the loss sustained by the company, there would be no breach of faith in taking such ground as may be required for this purpose?—I think so, if the Government took it against the will of the Hobson's Bay United Railway Company.

1764. Even though compensated?—Even.

1765. Your directors were willing to sell this line, I believe?—They were willing to submit any proposition that might be made by the Government to their shareholders.

1766. Were they willing to sell the line or not?—They could not sell the line, unless with the consent of their shareholders.

1767. They were unwilling to sell the line, then?—No, I say—

1768. Could not you give me a straightforward answer—Were the directors of the company willing or not to sell this very valuable property?—The directors agreed with the late Government to submit a certain proposition to their shareholders, but they—

1769. With their approval?—With the approval of the majority of them.

1770. I suppose everything is transacted by the directors—by a majority of votes?—Yes.

1771. Therefore, the directors were agreeable to submit a proposal to the Government for the purchase of the Hobson's Bay railway line at a certain figure?—Yes.

1772. What was the figure?—From £85 to £100—a minimum of £85, and a maximum of £100 per share of £50.

1773. How long ago was that?—Close upon twelve months.

1774. That offer was declined?—It was.

1775. And, notwithstanding that a fixed value was then put upon it, are you still prepared to say to this Committee that no amount of compensation that a jury would award would be an equivalent for the loss of the ground that is intended to be taken by the Government?—I am of opinion that a jury would not award such compensation as would be approved of.

1776. I did not say that—I put it, if the jury would do their duty (which I think they would do)—you mean still to tell this Committee that no amount of pecuniary compensation would be an equivalent for the loss?—I do not think so.

1777. Suppose they gave the full amount that had been asked for the line, would that be a breach of faith?—They would not do that.

1778. Suppose they would do it?—But no jury would do it.

1779. You are not answering my question. You are fencing with my question—I have put it, because you said, to take any portion of this from the Hobson's Bay Company would be a breach of public faith; I put it now, does not it reduce itself to a question of pounds, shillings, and pence?—If the company did not wish to sell, it would still be a breach of faith, even if they gave £100 per share, if the company were not willing.

1780. It would?—In my opinion.

1781. As against a great national public undertaking, you think it would?—Yes, it would.

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1782. A breach of faith?—Yes.
1783. You still adhere to that, that no amount of compensation that could be awarded by jury would do away with the effect of a breach of faith?—No.
1784. And even though the fullest amount of compensation was tendered, it would tend to injure the credit of this colony in the English market?—I cannot say that.
1785. Come now, sir, you went to that extent?—I cannot say that if the fullest extent of compensation was offered; but if it was taken from the company without their consent, I think it would be a breach of faith.
1786. Without their sanction?—Under any circumstances; I cannot go further than that.
1787. Then if you are the owners of private property, and some of the land is taken away from you for railway purposes without your sanction, that would be a breach of faith also?—No.
1788. How do you draw a distinction between the two?—Because a special Act of Parliament was passed in this case.
1789. Assuming then that a fair amount of compensation was given for this suburban station, which has not been turned to very profitable account during the last thirteen years, but that a fair amount of compensation was given for it, would not the compensation be distributed among the shareholders and the debenture holders by arrangement between the company?—That would be impossible for me to say.
1790. You have not studied that question?—No.
1791. Do you think that the shareholders of it would touch one single penny of it till the debentures were satisfied?—I could not say.
1792. What do you think as a man of business?—It would be impossible for me to give an answer to that question.
1793. Have you never considered that, and that the rights of the debenture holders would not have priority over those of the shareholders?—Certainly they would.
1794. Then the different holders would be paid with the amount of compensation?—The debenture holders would be paid on the debentures falling due, not before.
1795. And in the meantime the amount of compensation that would be given, probably, would be reserved for the purpose of meeting those debentures in part?—That would depend altogether on any order the board of directors might give.
1796. Do you think the board of directors would allow the money to be devoted to any other purpose than to satisfying the claims of the debenture holders?—Yes, I think they might fairly expend it in improving the line—adding additional rolling-stock.
1797. I do not think they would have the power; the first charge would be to satisfy the debenture holders with the amount of compensation?—The debenture holders would have no claim until the directors failed to pay the bonds, and so long as the interest was paid.
1798. Although their property was diminished?—Yes.
1799. Should not the amount obtained for diminished security be lodged to the credit of the company for the purpose of satisfying those debenture holders?—Not necessarily.
1800. What would the directors of the company you think do, would they spend the money?—They might spend it upon the line.
1801. Is it likely that they would do so without the sanction of the debenture holders?—I do not think the debenture holders would have any voice in the matter.
1802. Then they are only put in as a make-weight here?—No.
1803. The shareholders are the proper parties to be considered, are they not?—The debenture holders in the first instance and the shareholders afterwards.
1804. This property you have spoken about as so very valuable. This suburban station has been thirteen years in the possession of the Hobson's Bay Company, has it not?—It has been twelve years.
1805. How has the station itself been used during that time. Has it been used each year?—It has been used daily.
1806. During the twelve years?—Yes.
1807. Who has been in occupation of it, because I saw it yesterday, or the day before, and it presented a very dilapidated appearance to me?—Quite possibly; still it is in use every day.
1808. Will you explain to the Committee how it is used?—It is used for delivering coke and water to the engines, and trains and carriages are moved up there for the purpose of being cleaned. There is a siding for carriages. We also receive a large quantity of timber (sleepers and sawn timber) there, and send it along the line.
1809. Surely not in the station itself?—It is so.
1810. You use it for storing timber and coal?—Not for storing, but for receiving and forwarding it. Sometimes we have received wool there.
1811. How often? How many years have you been receiving wool there?—I think we received it last year, or the year before.
1812. Any large quantity?—Yes.
1813. How many tons?—I forget how many really.
1814. You give us a very interesting account of the running powers. Would you be opposed to the Government taking running powers over the Hobson's Bay line?—No.
1815. Not at all?—No.
1816. Would you be in favor of it?—Yes.
1817. It would be beneficial to the Hobson's Bay line?—It would.
1818. Even though the Government did not pay you that £1200, would it still be beneficial to the Hobson's Bay line?—Certainly not.
1819. It would not?—No.
1820. Then without that £1200 a year you would not allow running powers?—Certainly not. We would not give the use of the line for nothing, and pay the working expenses.
1821. But suppose a similar compliment is conferred upon you, and you are allowed to run your trains to Oakleigh, would you not derive advantage there?—Oh, certainly, we would have no objection to make a mutual arrangement of that sort.

1822. Now suppose the Government did not want to confer any running powers on their line, and they wanted to get running powers from you—we will take it from South Yarra—that they wish to run from South Yarra into your terminus. I suppose that would be about two miles and a half?—Just two miles and a half.

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1823. Have you made any estimate of what figure you could grant the Government the privilege of running as many trains as they pleased over that two miles and a half?—I have made no estimate of that kind.

1824. Could you give the Committee any idea, rough as it may be, on what terms the Government could have that privilege?—The way that I would propose—

1825. I want to come to South Yarra. Will you just answer my questions; you see I will get on a great deal better. Coming from South Yarra, a distance of two miles and a half, and the Government wanting general facilities of transit from that point, on running as many trains as they wish during the day—on what terms would you, if chairman of directors, be disposed to deal with the Government?—I could not answer such a question.

1826. Can you give the slightest idea, and tell the gentlemen present?—None.

1827. Suppose, in place of £1200 a year that the Government should pay, they were prepared to give you £4000 a year, and give us a lease of that for 999 years; would you do that?—Certainly not.

1828. Do you endorse the views of the honorable member who spoke just then?—I do not. I was just speaking the same words at the time he spoke.

1829. That if the Government made a proposal such as I have described to you, that they were prepared to take running powers from South Yarra, using your terminus as a passenger terminus and sending on the goods traffic, and they wanted you to find general facilities, not for a day or a year, but for a good long time, such as I have described—999 years—I ask, if the Government said—“We are prepared to give you £6000 a year,” would you be prepared to recommend that to the directors?—No; because it would be virtually giving the whole control of the railway into the hands of the Government, and it is such a thing as no railway company would ever listen to.

1830. Suppose I increase it to £12,000 a year, would you still be opposed to it?—That would depend altogether upon the amount of dividend that that amount of money would give.

1831. I am just coming to that point?—If it would give a dividend of 10 per cent. or 11 per cent. I have not the slightest doubt that the Hobson's Bay Company would give the power you ask now.

1832. I am coming to figures. I put it to you, in place of £6000 a year, are you prepared to say that the directors of that company would give the powers that I ask for £12,000?—No, I do not think they would.

1833. As I understand your evidence, you are kept pretty well employed at your very busy terminus, sending out almost as many trains and receiving as many as on any line in England?—No.

1834. With the exception of a few passenger lines?—No; there are many suburban lines that send as many trains, and more.

1835. Do they send very many beyond your number?—Yes.

1836. You send how many?—Eighty-four out and eighty-four in on the east side.

1837. And on the west?—On the south, to St. Kilda, I think we send about fifty to St. Kilda, and about thirty-four to Sandridge. I am speaking from memory.

1838. And it is the intention of your directors to increase the number very considerably?—On the east.

1839. On the east?—Yes; that is up by Jolimont.

1840. What do you consider the working capacity of your line to be? How many trains could you dispatch there per day with safety, and receive?—I have never thought of the extent to which it would be; but I do not see any reason why we should not make preparation for dispatching any number of trains that the traffic might require.

1841. Any number?—Any number.

1842. Must it not be limited?—I think the traffic would limit it.

1843. Suppose the traffic unlimited?—I could not say.

1844. I suppose you could not start a train every minute?—We could not start a dozen trains at once on the same line.

1845. You could not keep up starting three or four trains every minute?—No.

1846. You must for safety have a certain interval between them?—Yes, or make one train travel faster than the other.

1847. Are you aware whether, upon the Victorian railways, they are able to keep such accurate time as upon your suburban line?—They ought to be.

1848. What they ought to be is one thing, what they do is another; with a heavy goods train, partly goods and partly passengers, having to stop occasionally at stations for the purpose of picking up goods, do you think it always possible to arrive up to time?—Not always.

1849. Is there not upon those long lines something like from a quarter of an hour to twenty minutes allowed, and no complaint if a train happens to be late by a quarter of an hour?—It may be here, but it is not at home.

1850. I am taking Victoria as we have it?—I know nothing about it.

1851. You are not aware of it?—No.

1852. I may tell you that upon the Government lines (I confess that the Hobson's Bay line is admirably managed)—but upon the Government lines, where they have to combine for the purpose of benefit, goods and passenger traffic together, and where they have to stop at different stations, it is so. Do you think it is possible that, allowing an interval of only three minutes between your starting each train, that the traffic from Gippsland was likely to be brought in to the very minute?—I do not think it would; at the same time—

1853. Would not that be a great impediment to your performing your duties properly at that station?—No, I do not think it would.

1854. Suppose a train happened to be late eight minutes, and one of your trains was right in the way, blocking up the way, what is to be done then?—If the train was eight minutes late, our train, that you presume to be blocking up the way, would be out of that position in two or three minutes at the farthest, so that the delay to the Gippsland train would not be more than three minutes.

Thos. Finlayson,
Esq.,
continued,
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1855. Then it would come up, and while it was there would it not throw out all the other trains? Would not all the other trains be out of time then?—No, it would come up to a platform by itself and be shunted again as soon as the passengers came out.

1856. Would not this disarrange the time for starting any other train?—Not in the least.

1857. And would not be attended with the slightest danger or inconvenience?—No.

1858. Then you are all in favor of having that traffic upon your line?—Anything that would bring grist to the mill.

1859. *By the Hon. N. Fitzgerald.*—You talked about this £12,000 a year, and the Government requiring to run any number of trains from South Yarra. As far as you know, is there any engineering difficulty in widening bridges and embankments and laying down special rails from South Yarra to the Flinders street station?—None.

1860. Supposing an offer were made of £12,000 a year, taking the figures my honorable friend used to you or to the company you represent, for the privilege of running any number of trains the Government liked, would not you recommend it to your board of directors?—At first sight it seems a very fine offer; really it looks very well, and after looking at it a little, most likely I would recommend it.

1861. Capitalized at 5 per cent. it would be £240,000?—It would.

1862. And the cost of widening the bridges and embankments, and putting down a double set of rails would cost, how much—£40,000 or £50,000?—Yes, all that.

1863. If the Government were to make you an offer, the worst that could happen would be an investment of £100,000 by your company to put a double line and give them all the facilities they ask?—Yes.

1864. So practically the outlay to your company would be merely making the road wide enough to admit your present and probable traffic, plus the Government traffic?—Yes.

1865. Then the whole effect of this sensational question about the £12,000 a year for 999 years, which might be 100,000, is all moonshine, because it means (to your company I mean) the use practically of what the increased expenditure would amount to?—Yes.

1866. And a fair per centage upon that?—Yes.

1867. And at the outside it could not be more than £100,000?—No.

1868. *By the Hon. J. Balfour.*—With regard to this very question, although you had not an opportunity of clearly bringing it out, I presume you meant, by saying, "you could not give an answer to that question," you could not say what amount of money would compensate the company for such powers. Did you mean to say, that to give such unlimited powers of running as many trains as they liked is a thing that no railway company would grant to another?—Yes, that was my meaning.

1869. Could you answer this question—could you estimate what rent the Government would have to pay if you had a sum in figures given to you, if the Government limited the number of trains per day they wanted upon that line?—Yes.

1870. It was only the question of being unlimited that prevented your answering?—Yes.

1871. You meant to say, that an unlimited number of trains running would be taking the control of the line out of your hands, and putting it into the hands of the Government?—Yes.

1872. You said that £1200 was your estimate of the value of the running powers from South Yarra to Melbourne?—Yes.

1873. But is it not possible, probable even, that that £1200 might be reduced to nothing on getting certain facilities in return?—My reply to the honorable member was that, in the event of the company getting running powers from Elsternwick to Oakleigh, it was quite possible that we would give as an equivalent to the Government running powers free over our line.

1874. Is it not even possible that by getting the privilege of running trains to Berwick, Oakleigh, and intervening stations, there might be a balance to be paid to the Government merely for the use of the line rather than for the Government to pay to the Hobson's Bay line?—Yes.

1875. For passenger traffic?—Yes.

1876. Which do you consider would be the best junction as to the public convenience, apart from the Hobson's Bay railway—at Elsternwick or South Yarra?—Elsternwick is the best junction, and Hawthorn is the next.

1877. Elsternwick is best, you think, for the public?—Yes, I think it would give more convenience to the public, because the train could stop at different stations coming up.

1878. You object to a duplicate line running alongside?—Yes.

1879. On the ground that it interferes with the rights of the Hobson's Bay railway?—Yes.

1880. Does not it seem also to be an interference with public economy?—I think it is throwing money away to no purpose.

1881. I think you said the estimate of £1200 a year was anticipating the traffic to be £38,000 a year?—Yes.

1882. Supposing the traffic was in excess of that, would the rent increase?—The rent increases with mileage, and from the proportion found to be due to the Hobson's Bay company a certain per centage is deducted to pay to the Government for working the traffic.

1883. The mileage per train, per ton, or per passenger?—The mileage for the gross amount received. That is to say, if a passenger came from Sale, it would be one mileage; if from Berwick, another mileage.

1884. Has any estimate been formed by you for the amount to be paid if the junction was Elsternwick instead of South Yarra?—It would be more than double the amount.

1885. With regard to the answers you gave to the honourable the Postmaster-General in reference to the outlay, I gather that your view is this: that no compensation could be made for interfering with the property of the company in this way, because there are persons, such as debenture holders and shareholders, who have become interested upon the faith of the Act of Parliament?—Yes, but further, it would so hamper the company that they could not carry on the work efficiently, in consequence of want of room.

1886. That is, if they formed a goods station there?—If they took away this piece of ground that they are applying for.

1887. Have you sufficient ground there for carrying on the Gippsland traffic?—We would work it along with our own, which would not in any way interfere with the working of the station.

1888. Do you anticipate that you have enough ground there to carry on the whole traffic of your own line there with the addition of the Gippsland traffic for years to come?—Yes, including this piece of land.

Thos. Finlayson,
Esq.,
continued,
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1889. And then would you have much alteration to make in regard to the level of the land? Does it fall away so much as to make great additional expense necessary?—That is more an engineering question.

1890. *By the Hon. W. Wilson.*—Do I understand you aright, when I am under the impression that your strongest objection to the railway under consideration is, that it would be a breach of faith to construct it? You do not pretend to oppose it from any engineering point of view?—I do not think it is becoming my part to speak of that.

1891. You simply oppose it because you think it would interfere with the profits of the Hobson's Bay company?—With the rights and profits of the company.

1892. You surely do not hold the doctrine, that the Government would be prevented from extending railways south of the Yarra?—No, I do not.

1893. They could scarcely connect Spencer street, and construct railways south of the Yarra in a straight line without interfering with some portion of the Hobson's Bay railway?—I do not think they could.

1894. Would you object to their taking a direct route, and say they were only going to use it so far as constructing a bridge over it—if they only made a bridge over it across the Yarra and by Albert Park?—I think the Company has a right to object to anything that is likely to injure it.

1895. Do not you think it is possible to have a limit to that objection without doing an injustice to the Hobson's Bay shareholders?—That is a question that is impossible for me to answer.

1896. Say, for the sake of argument, that the Government desire to connect the traffic of Gippsland with their own system of railways at Spencer street; and in the interest of the inhabitants of Gippsland and that locality it is desirable to take as direct a route as possible; they cannot take that route without touching perhaps upon your ground as they touch upon other ground, but they undertake not to make a parallel line to yours for the sake of profit; would that be an objection?—I think so.

1897. You think so?—Yes.

1898. Then is the granting of these rights and privileges to the Hobson's Bay Company to be a bar for ever to the public of Victoria constructing railways to the south?—No; the company offered the use of their line for that purpose.

1899. That is very good and kind of the company to offer the use of their line; but I want to know how far you claim to have rights conceded to you. I concede that the Government have no right to make a parallel line for traffic to compete with yours, but they have a right to run a line alongside of yours to take traffic that is very remote, and that you never could have anything to do with?—I do not think that they have any right to make a line that will in any way compete with the company.

1900. That is what I say; but simply making a line would not compete with them?—They might make that line, but ultimately it would be a competing line.

1901. Let there be a clause in the Act to satisfy you that they shall not carry goods or passengers for profit?—They might repeal that clause.

1902. But the Parliament that created you and gave you your rights and privileges are all-powerful?—I know it; but that does not make it less a breach of faith.

1903. All that you can expect, all the right that you can demand at the hands of the Legislature would be at all events to do justice to you, to see that you receive justice, and a money consideration, to a certain extent, would pay you for lands taken. Perhaps no money would pay you to run a parallel line, because it might destroy your whole traffic, therefore I say that to run a line merely alongside, but not parallel to yours, in that sense of the word would be no competition, merely to carry the Gippsland traffic to Spencer street?—Such a thing I cannot conceive ever to be; but if it could be, it would not injure the line of the company, and therefore they could not claim compensation.

1904. Therefore it would be quite possible for the Government to construct a direct line, to connect the Gippsland traffic with the Spencer street terminus, and yet not be a competing line with you?—Certainly.

1905. Then it would not do your shareholders any harm?—Not if they can rely on that.

1906. You have to trust to the good sense of Parliament that passes the Act. They are desirous to do justice to you now, and, for aught I know, will not pass this Act; still you are only trusting to the good sense of the members. Now, you say that the company are perfectly willing to offer running powers to the Government line from the South Yarra station, or from Elsternwick?—Yes.

1907. From either?—Yes.

1908. Are the company prepared to make an offer upon what terms they would give running powers to the Government, and for the time?—I have no doubt they are; but the great point in arranging for running powers is to know the amount of traffic; and the better course, when you are opening a line of railway, is to agree to a certain rate per train mile, or a certain per centage, and take the risk of its being a loss or a profit. You could not arrive at what would be a fair per centage of the gross receipts without having running powers for at least twelve months.

1909. If the Government took running powers from the Hobson's Bay railway, you have not station accommodation to enable the goods traffic to be discharged there?—I think so.

1910. What—at your own sheds and without any fresh arrangements being gone into?—I think so, with the exception of firewood.

1911. Would the Hobson's Bay Company permit the Government servants to be stationed there to transact their own business, or would they find it necessary to have the control of the clerks?—We would have no objection to allow the Government servants to conduct any portion of the work of the line.

1912. And set apart a portion of the platform and sheds for that purpose?—That is a matter of detail, which could be worked out with the greatest simplicity.

1913. Then, to come back to the question I asked, it has been suggested that, instead of the Government running across your line at a high level, making not a very creditable display of timber, they might take powers to run a line parallel with yours upon the same level, and crossing the Hawthorn line instead of the other?—On the level?

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Esq.,
continued,
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1914. On the level, but crossing when they got to the Hawthorn line, at the higher bridge, where the road crosses in Richmond—I see the question was asked by a Member of the other House, I think Mr. MacPherson, if that were not possible?—I do not understand.

1915. Mr. MacPherson asked, if it was possible for the Government to start upon the same level as Hobson's Bay line, and not cross the line till they reached far enough down to Hawthorn to cross at a higher level, without the unsightly appearance it would present after leaving the station at Flinders street?—They might cross, without making any unsightly appearance, in Church street; after passing Church street, the line goes through a cutting there, and you might cross there easily enough, and then go up the valley of Como.

1916. I believe there would be great difficulty at the Swan street crossing?—It would.

1917. It would complicate matters very much?—Yes.

1918. You have as much as you could manage there at present?—Yes.

1919. You would not object to that, if there were no competition—if the Government took no traffic, except from Oakleigh?—Then it would not interfere with us.

1920. That would remove, to a considerable extent, the objection you offered to the present proposed line?—Except that we would not give up that piece of land.

1921. That is with the exception that it could be got from you at a money value—that you did not require it?—The difficulty is to arrive at the money value, because it is not the value of the land—it is the injury to the traffic.

1922. Do you think that the directors would be prepared to make an offer of the whole line?—I could not take upon myself to say.

1923. Do not you think it would be one of the easiest ways of settling this difficult question?—I think it would be the easiest way, and probably the best way for the country.

1924. Say they offered it at a fair figure, fair to all parties concerned, neither party wanting to make a profit out of the other, and seeing this difficulty cropping up out of the extension, and seeing that the Government or the Legislature have some power, would it not be better to make an offer of the line, not to Government, but to Parliament?—I rather think that, if the directors were to make such an offer, a handle would be made of it to depreciate the value of their property.

1925. No; it is done without prejudice?—Whatever words you might use, it would have that effect. The Government are a very much more independent body than the directors, and the Government might come to an arrangement with the directors and offer to treat with them on the subject; and I am sure, from what I know of my directors, they would always receive the best treatment from them.

1926. You offered it between a minimum and a maximum figure about twelve months ago?—We did, but I desire distinctly to say, that it was not the intention of the directors to fix either a minimum or a maximum. The maximum and minimum came from the Government, not from the Hobson's Bay company.

1927. Still you negotiated with the Government?—We did.

1928. In the event of the Government of the day being successful in getting permission to appoint arbitrators and they fixed the sum, I apprehend the company will be bound by it?—Of course they will; but the fixing of a maximum and a minimum was proposed by the Government, not by the directors.

1929. Do not you think that was not a wise way of arriving at the value of a railway? you must have known the value yourselves?—I think the better plan would have been to say to the arbitrators, "There is the property, assess the value."

1930. Do not you think, it would have been better for the Hobson's Bay Company to say, "We will take a certain fixed sum and leave nothing to arbitration; it is worth so much and we will have it"?—I cannot take upon myself to say what the directors would do.

1931. Surely it was much easier for the directors and you, who know the whole of the property, than for any three gentlemen who might know nothing of the whole affair?—The difficulty would be to get the purchaser to give the amount that we would imagine the value to be, so that by arbitration there would be a settlement.

1932. Are you, as secretary to the Hobson's Bay Company, authorized in any way to say that the company is prepared to make an offer to the Government?—No.

1933. *By the Hon. N. Fitzgerald.*—In reference to this arrangement which was on the point of being completed between the Government and the Hobson's Bay Railway Company directors, how were the debenture holders to be treated under the terms of that arrangement?—To be guaranteed by the Government.

1934. Then if the arrangement had been carried out, the debentures, or a large amount of them, would have been a charge upon the property, though it was in the hands of the Government?—It would be a first charge upon the whole undertaking of the united companies, in addition to which they would have the security of the Government of Victoria.

1935. When are those debentures redeemable?—They run up to eighteen years yet.

1936. These debentures, I think you said, were payable to bearer upon delivery?—Yes.

1937. From that circumstance, would it not be impossible practically to get the consent of those debenture holders, scattered all over the world, as far as you know, to any bargain of the directors for this land in Flinders street?—Utterly impossible; and, besides that, I may mention that there are at least two or three of them who have not been paid interest for the last two or three years.

1938. You do not know where they are?—I do not know where they are.

1939. And from that circumstance besides, the purchase of any portion of this land is in a very different condition from any arrangement that the Government contemplated twelve months ago?—Yes, very.

1940. And you could not get the consent of the debenture holders to the transfer of this property?—We could not.

1941. And they ought to be consulted before the directors parted with any portion of the estate that their debenture is a first charge upon?—Yes. The only way that the Government could do would be to guarantee the whole interest of the debentures.

1942. *By the Hon. R. Simson.*—I think you mentioned in the evidence you gave the Committee that the Crown grant which you have for the land occupied by the Melbourne and Hobson's Bay Railway Company has special privileges, will you mention what those privileges are?—They are not special

privileges, but the reservations, in the original Crown grant, were repealed. The Act freed it from all reservations and exceptions from making public ways, canals, railways, and also all rights of ingress, egress, and regress which were mentioned before in the grant. Thos. Finlayson,
Esq.,
continued,
23rd August 1877.

1943. Is it at all an unusual course for railway companies to have more station ground than they have in use for the time being, but as a means of providing for increased traffic?—They have it almost invariably.

1944. Is not that the case with the Victorian railways at Spencer street?—Yes, they have far more ground than they want at present.

1945. *By the Hon. J. Cumming.*—You appear to be uncertain as to what your company would require in the way of compensation; if the Government were to take running powers over your line, you are not certain as to what compensation your company would require?—I have no doubt as to the proper course to be adopted in taking running powers; the proper course would be to divide the traffic by mileage, allowing to the carrying company a certain per centage for working expenses.

1946. Of course, there are some undefined particulars in that statement; but in the event of the Government determining to take running powers over part of your line, would your directors, do you suppose, be willing to allow the amount of compensation to be paid to be decided by arbitrators?—That is the usual course, in the event of any two companies not agreeing. In England it is always referred to arbitration.

1947. You say that a proposition was made to the company by the late Government as to the purchase of your line, in which a minimum and a maximum price was fixed, but that the company did not fix those prices, but was quite willing to submit the amount to be paid to be decided by arbitration?—Yes, I stated that.

1948. Do you think your directors would be willing to agree to that proposition now?—I think so.

1949. To submit the amount to be paid for your line to be determined by arbitrators?—I feel satisfied they would.

1950. Without a minimum or maximum price?—Without a minimum or maximum price.

1951. *By the Hon. J. A. Wallace.*—The Hobson's Bay United Railway, I think, bought up some two old companies?—They amalgamated with the Melbourne Company, and bought up the St. Kilda and Brighton Company.

1952. And the Hobson Bay Company?—Now the Hobson Bay Company is no longer in existence, it is the Hobson Bay United Company.

1953. Still I understood the Hobson Bay United Company bought up those other two lines?—Yes.

1954. Do you remember how much money was given for those two lines?—I have not the exact amount here, given for the lines, but I can give you the amount that the lines have cost up to the present time.

1955. But can you tell me now what the company paid for those lines to the old companies; it does not matter for a thousand or two?—The three old companies amounted to, I think, close upon £867,000.

1956. That is what the Hobson Bay United Company paid for them?—Yes.

1957. Can you tell me what the original capital of those companies was?—I cannot from memory; but it would be better for me to give you the actual cost up to the present time.

1958. I want to know the original capital of those old companies; they have got £800,000 worth of property?—Yes. The Melbourne and Hobson's Bay Company was £500,000, the St. Kilda and Brighton Company £100,000, that made £600,000, and the Melbourne Company might have been about £200,000.

1959. I understand from you that the old original companies lost none of their capital at all, they were repaid for the full amount of the interest they held in their shares?—No. The Melbourne Company lost nearly £300,000, and the St. Kilda and Brighton lost about £200,000.

1960. That is £500,000 actual loss?—Yes, from £450,000 to £500,000 were lost by the two companies; the only company that got the full amount of their capital was the original Hobson's Bay Company.

1961. Can you give me any idea of the actual amount of money paid by the united companies?—£1,442,627.

1962. Then according to that the lines actually cost £1,442,627?—£1,442,627, or equivalent.

1963. Say £1,500,000; then there is a loss of £500,000?—No, an actual loss of £440,000 written off the actual loss to the previous companies.

1964. Is that not £500,000?—No.

1965. Add this loss to the amount of money you have actually paid up, that makes about £1,700,000?—No, that is included in the £1,000,000.

1966. You included the loss as actually paid by the Hobson's Bay United Company?—Yes, by the united company.

1967. I understand you are in favour of the Government buying this?—I was going to mention this, that the actual cost of each £50 share is £91 7s. 9d.

1968. The actual outlay?—An actual outlay of £91 7s. 9d.

1969. *By the Hon. N. Fitzgerald.*—They ought to stand at that at par?—Yes, at par.

1970. *By the Hon. J. A. Wallace.*—Of course the amount of money belonging to profits, the money actually paid up, will represent £91 odd?—Yes.

1971. Just as if the company had actually paid that amount of money for them?—Yes. The money was actually paid and laid out upon the lines; and suppose the shares had been £100 instead of £50, the shareholders would have paid up £91 7s. 9d. each, leaving a balance of £8 12s. 3d. to pay up.

1972. Then I understand, from what you say, that the minimum was £85 and the maximum £100?—Yes.

1973. Supposing the arbitrators had come to the conclusion to allow you £90 for these shares, you would have lost, how much?—£1 7s. 9d. on each share.

The witness withdrew.

TUESDAY, 28TH AUGUST, 1877.

Thomas Higinbotham, Esq., examined.

T. Higinbotham,
Esq.,
28th August 1877.

1974. *By the Hon. Sir C. Sladen.*—You know the Goulburn Valley line of railway?—Yes.
1975. Have you been over it personally yourself?—I have.
1976. I am alluding now to the line which goes on the western side of the Goulburn?—I know that line.
1977. Do you know the line on the eastern side?—I have travelled along the eastern side of the Goulburn, with a view to examine the country on that side before the line was permanently set out on that side.
1978. That is lately?—In February last.
1979. When was the survey for the line on the western side first made?—I cannot say. It was made at the time I was absent from Victoria.
1980. Some time ago?—Some time ago.
1981. During your late absence?—During my late absence. The permanent survey was commenced in last February. The permanent setting out of the line on the western side was commenced last February.
1982. What is generally termed a preliminary or flying survey was made during your absence?—Precisely so.
1983. And since you have returned, that has been laid out with a view to the position the permanent line of railway was to occupy?—Since I returned, the Government of that day determined to set out the railway on the western side permanently, and it has been set out.
1984. Can you inform the Committee of the cost of that line? First of all, perhaps, it would be better to ask you to say what places exactly the line takes in its route—it starts at Avenel and crosses the river?—Does the honorable member wish me to describe the route of the western line?
1985. Yes, if you please?—It leaves the North-Eastern railway at Avenel. The first town it passes through is Nagambie.
1986. That is some distance from the river?—Yes.
1987. That is about what distance from Avenel?—I think about nine miles. I can give you the distance exactly [*referring to a map*]. Nagambie is just nine miles from Avenel.
1988. And Nagambie, again, is some distance from the Goulburn, I believe?—Yes, to the east of the Goulburn.
1989. Some distance—about what distance?—About a mile and a half from the river.
1990. And the line from Nagambie?—The line then proceeds to a point about 16 miles from Avenel, upon the course of the river Goulburn.
1991. Is there any township, or any name to that locality?—No.
1992. From Nagambie to the river is about 16 miles?—From Avenel to the point where the line crosses the river is about 16 miles—five miles further on, going northwards, the line reaches Murchison, which it touches. The line then proceeds nearly due north to a township called Tatura. It then takes an easterly direction—a north-easterly direction—and touches Mooroopna.
1993. Where is Mooroopna—it crosses the river at Mooroopna?—It crosses the river at Mooroopna; it afterwards crosses the Broken River; and, again turning in a northerly direction, it stops at Shepparton.
1994. Is that line a tolerably direct line from Avenel to Shepparton?—It is a very direct line as far as Tatura.
1995. Does it keep in the direction of Tatura for the purpose of accommodating the population there, or for engineering purposes?—For the purpose of accommodating settlement.
1996. Which makes that great elbow to the north-west?—Yes.
1997. Are there any engineering difficulties on this line?—No, it is a very easy line.
1998. The river, I see, is crossed twice; there is no difficulty in the crossings of the river?—No, none whatever.
1999. It is, generally speaking, what you call an easy line for making?—Yes, a decidedly easy line.
2000. Could you inform the Committee about what is the estimated cost of the line throughout?—Its estimated cost is £5750 a mile for a length of 44 miles 45 chains; the total cost is £255,588.
2001. Is this one of the cheapest lines the Government have projected?—That is the lowest rate at which lines are estimated to be made—£5750 per mile.
2002. Is it a line of which the probable working expenses would be light or heavy?—I should say light.
2003. No heavy gradients?—Whenever it is necessary to reduce the works, a gradient of 1 in 50 is used, but there is no long gradient so steep as that.
2004. But a gradient of 1 in 50 involves an engine of rather a heavy character?—Yes, but a gradient of 1 in 50 is used on all the Victorian railways.
2005. On all the cheap lines?—On all the lines.
2006. Can you speak at all with any confidence of the line which has been projected on the east as to the distance and probable cost?—I can give you the distance of the surveyed line. The line that was surveyed on the east side of the Goulburn.
2007. That is lately?—No, about the same time as the survey was made on the west side.
2008. Indeed—would you be so good as to give all the information in your power as to that line in the same way as you did as to the other line?—The length of that line as surveyed is 42.60 miles.
2009. Would you have the kindness to point out the different features of the line, the places it touches, and passes through?—The eastern line may be said to be identical with the western line to a point between four and five miles beyond Nagambie.
2010. To the north-east of Nagambie?—Yes.
2011. And then?—It then takes a more easterly course. Instead of crossing the Goulburn, as the western line does, it keeps along the eastern side of the river.
2012. All the way?—The surveyed line keeps on the eastern side of the river all the way to Shepparton; it does not cross the Goulburn at any point.

2013. I see on the chart which is before me, it makes a great bend at one point which appears to me to be about midway between Avenel and Shepparton, it makes a great elbow towards the west?—That is opposite Murchison. It is brought to that point with a view of accommodating Murchison—that is to say, if it were determined to carry the line on the eastern side of the Goulburn, it was desirable to bring it as near to Murchison as possible on that side. I am describing now the line as surveyed originally.

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2014. And that terminates on the same spot at Shepparton?—As nearly as possible.

2015. Are there any bridges on that line?—There would be a bridge over the Broken River shortly before reaching Shepparton, and there would be very numerous culverts—they may be called indeed bridges—some of the largest creeks are rivers in times of flood, they are so large.

2016. Would that be an expensive feature in the line?—I believe a very expensive feature.

2017. How would this survey compare in point of cost in the making of it with that on the western side?—I have never made an estimate for the line on the eastern side, but I have no doubt it would compare unfavorably with the line on the western side.

2018. That is in consequence of those creeks?—In consequence of the flooded character of the country. I may point out to the Committee, that the Goulburn (if the Committee would refer to the map they would see in a moment) catches all the flood water before it reaches the western line. It intercepts and diverts the whole of the flood water.

2019. Is there much of the country which is subject to this flood water and where those creeks have to be crossed?—Yes, the whole length of the country.

2020. The whole length?—Yes, the whole length from the point where the eastern line leaves the western.

2021. Then, *primâ facie*, the country through which it passes is not so adapted for making a railway as the other?—No.

2022. In point of expense?—In point of expense.

2023. And that applies the whole way to Shepparton?—It applies the whole distance to Shepparton.

2024. Then do you think, as far as you are able to estimate roughly, that the $42\frac{1}{2}$ miles on this line would be as much or more as the 44 miles on the other one?—It would be quite as much or more, but, as I said before, I have not gone into the estimate for the eastern route.

2025. But I might ask you, whether you could form an opinion as to what would be the probable relative working expenses of the two lines, if they are completed—the maintenance and repair?—There would be a much larger number of bridges to maintain on the eastern side than on the western side, in consequence of the very numerous creeks and streams which are crossed on the eastern side.

2026. You could not inform us if the cost of keeping the line in repair on the eastern side would be in excess of keeping that in repair on the western side?—Yes, after some years it would become so; the bridges, being all built of wood, would begin to decay.

2027. I presume you, as an engineer, take that into consideration as an element of the cost of the working of the railways in future—the cost of keeping the line in working order?—I should certainly prefer a line which had not such numerous wooden bridges.

2028. There are, as I understand, about two and a half miles difference in the length of the two lines?—About two miles difference.

2029. *By the Hon. H. Cuthbert.*—Mr. Higinbotham, when did you inspect the western line?—Two days after I inspected the eastern.

2030. That was in February?—That was in February last.

2031. How long were you engaged making that inspection?—I think I was four days altogether, that is to say, from the time I left Melbourne till the time I returned. I travelled down the eastern side one day and I travelled up the western the next.

2032. Had you known the country before that visit?—No.

2033. And that was the only opportunity you had of forming an opinion as to the relative merits of the two lines?—That was the only opportunity. I should say that I know the country adjoining the eastern line, on the North-Eastern railway, very well.

2034. That is a long distance away, is it not? How far away is it?—It is about 16 miles or 18 miles from Murchison to Longwood. The character of the country along the North-Eastern line and its liability to floods is the same, though not to so great an extent, as that of the eastern Goulburn line.

2035. Had you any gentlemen with you—any of the engineers—the Government engineers with you when you were inspecting the two lines?—Yes; Mr. Hardie, the district engineer, was with me.

2036. And I suppose he endorses your opinion as to the relative merits of the two lines?—There was no difference of opinion between us.

2037. From Avenel up to the junction point of the two lines would be a distance of about 13 miles, I think you said?—About that I think.

2038. Then for the first 13 miles there is no difference of opinion—that certainly is the best route that can be taken?—The lines may be said to be identical.

2039. You could not improve upon that?—I think not. Perhaps I might be allowed to explain, that if I could have done as I wished to have done I should not have taken the line from Avenel.

2040. Where would you have taken it from?—I should have taken it from a point upon the North-Eastern railway, about four miles nearer to Seymour; three miles and a half, or four miles nearer to Seymour.

2041. You would have taken it in a straight line—that would be starting at the gravel pits?—Yes, the gravel pits.

2042. From the point of junction, taking the western line, you go from that point and have to cross the Goulburn?—Yes.

2043. How wide is the Goulburn there?—I do not recollect the exact width of the river; but the provision for waterway is about 1000 feet; it has been assumed that a bridge 1000 feet long would be required.

2044. And what have you estimated the cost of that bridge at?—The cost of that would be about £4000.

2045. That would be all saved by taking the line on the eastern side?—That bridge would be saved.

2046. And two miles and a half of line?—Two miles.

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2047. Crossing the river then, the line goes up to Tatura?—It goes to Murchison first.
2048. There is not very much selection, I believe, on the eastern side of Murchison?—I cannot speak positively about that; the Committee could get better information upon that point.
2049. I should have said upon the western side—you have a map before you?—I have a map before me; not a map of the settlement.
2050. You see where Murchison is marked upon that?—Yes.
2051. Can you tell me whether there is much settlement about there to the west of Murchison. According to the map before me there is very little?—I cannot say. I passed through Murchison along the line. I cannot say whether there is much settlement.
2052. You did not observe much?—No.
2053. Passing on from Murchison, a few miles above Murchison, and suppose about two or three miles, the line would run through private property?—Mr. Winter's estate is there.
2054. For a distance of six miles, I believe?—About that, I believe; I do not know the exact distance.
2055. Is it desirable, in order to obtain traffic, that a line should run through private property through a large estate, or rather would it not be better and more profitable to run a line where there were a number of small selections, rather than through a large estate belonging to one individual?—Numbers of small selections, if the area amounted to the same, would probably produce a larger amount of traffic.
2056. And therefore it is undesirable to run it through that large estate, if it can be avoided?—I should say so, unless there are other reasons for doing so.
2057. Can you tell me why the line was not brought in a straight direction from the point where it crosses the river—it seems to take a bend as if to get into that private property—can you tell me the reason why it takes that bend? Do you understand my question, Mr. Higinbotham? It seems to me that, if a straight line was drawn from a point where that line crosses the Goulburn, that line would almost go outside Mr. Winter's property altogether?—I have not Mr. Winter's property marked upon this map, but the object of taking the line along the route where it has been set out was to accommodate the greatest amount of settlement, and to touch Tatura, which it was believed would form a centre to which the traffic would come.
2058. What kind of a place is Tatura?—Tatura is at present a small place, but it appears probably it will become a considerable centre for traffic.
2059. I suppose, a few hotels in it, and a blacksmith's shop?—Yes, I suppose so; it is a small place. I did not stop there, I only drove through it.
2060. And then, in order to reach Shepparton, it has to take a great bend at Tatura?—Yes.
2061. Now, taking from the point of junction on the eastern side, starting at the point 13 miles from Avenel and following the Eastern line, is there not a far greater amount of settlement on the eastern side than there is on the western?—Certainly not, so far as my observation went.
2062. I may assist you by putting this map before you—[*handing a map to the witness, and explaining the same to him*]?—I may tell you, Mr. Higinbotham, that that has been prepared under and by direction of the Board of Land and Works; and, looking at that, can you tell me whether a greater amount of settlement apparently is on the eastern or western side as far as Murchison?—There is a greater area colored blue on the eastern side than there is on the western, at Murchison.
2063. Then, going from Murchison onwards in the direction of Shepparton, say for 8 or 10 miles, is not there a great deal of settlement for that 10 miles on the eastern side of the river?—There is not much land colored blue on the eastern side on this map.
2064. There is not?—Not for the next 10 miles beyond Murchison.
2065. Then I suppose that the principal settlement is above Shepparton?—No, I think not; I think Tatura is the centre of the settlement.
2066. Tatura is the centre?—So it appears to me; I think that opinion is confirmed by this map.
2067. How do the people residing at Tatura do—do they send in their corn now to Shepparton, and their produce?—I cannot say; I should think they would not do so; Avenel is the point to which their corn is taken.
2068. You have spoken of one bridge on the western side?—Yes.
2069. Is that all—is that the only bridge that would have to be erected on the western side?—That is the only bridge over the Goulburn as far as Murchison.
2070. But any creeks?—None of any importance.
2071. Are there some?—None of any great importance.
2072. But there are a few?—No doubt there are; but none at all of the same character as there are upon the eastern side.
2073. Have you marked any difference between the formation of the ground upon the east and upon the west side of the river?—The west is the highest bank of the river; the east is the low bank—the flooded bank.
2074. Are the roads good on the western side?—They certainly are not, as I had practical experience of when I travelled over them.
2075. Are they capable of being made good, at a comparatively trifling cost, as compared with the cost of making them good on the eastern side?—They could be made good at a less cost, I am sure, on the western than on the eastern side.
2076. What is the character of the ground upon the western side?—On the western side, the ground is all sound; on the eastern side it is crabholly and flooded, so far as my observation of it went.
2077. And on the eastern side very difficult to construct roads?—I should think so, and expensive.
2078. Would not the line on the eastern side have the advantage over the west; that if there were a few bridges put over the Goulburn—I do not mean railway bridges, but bridges for ordinary traffic—would not a line on the eastern side of the river be of advantage, not only to those residing on the eastern side, but also to those on the west?—It might be used to some extent by those on the western side; but a line on the eastern side cannot, of course, give the same accommodation to those on the western side that a line on the western side would do.
2079. But if you construct a line on the west, would it be of any advantage at all to those residing on the east?—I think not; certainly not to those south of Shepparton.

2080. Is it not really a great and important difference between the two lines, that while a line on the west would be an advantage to those on the west, and none to those on the east, a line on the east would be of advantage to those on the east, and also, to some extent, to those on the west?—I think a line on the east would be of little advantage to those on the west.

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2081. I thought you conceded to me that it would be some advantage if there were bridges put across?—It may be some advantage, but of very trifling advantage.

2082. What is the distance between the two proposed routes—the average distance?—At the widest point I think it is about nine miles and three quarters upon this map. Of course at either end it is not so great.

2083. It would come to four?—No doubt it does—that is, four when you get to Murchison.

2084. Now where the point of divergence is only four miles, if it be of greater advantage to those on the west, would there not be a greater advantage to them to have a line on the east?—At Murchison, if the line on the eastern side is carried along the line where it is surveyed, it would be a distance of only three-quarters of a mile from Murchison.

2085. That is upon the eastern side?—Yes. I should, perhaps, mention that that three-quarters of a mile is flooded to a depth of from ten to twelve feet when the Goulburn is in flood, and would require to be bridged over the greater part, if not the whole of its length, in order to give Murchison access to a railway on the eastern side.

2086. Take any other point that is not liable to such an objection as that. Would it not be an advantage to those residing on the west to be in close vicinity to a railway?—I am afraid it would not be considered close vicinity, if they had to travel eight or ten miles to get to it.

2087. I take an average of four miles to four miles and a half?—It would be much more than that from the settled districts. If Tatura be taken as the centre of the settled districts, the distance would be nine miles and three-quarters to a line on the eastern side of the Goulburn.

2088. Yes, but I see here, from the point where the two lines meet, thirteen miles from Avenel, from that upwards, for a distance of seven or eight miles, as far as Murchison, the point of divergence between the lines cannot be much more than an average of four miles or four miles and a half?—Not as far as Murchison.

2089. Take it step by step as far as Murchison, would it not be an advantage to those on the west side to be in close proximity to one on the east?—No doubt it would.

2090. Then we are agreed so far as that, where the river takes a greater bend. Suppose a line were run diagonally from that point to Tatura, a branch line running from that point to Tatura would afford great facilities, would it not, to all the selectors there?—It would no doubt afford facilities, but it would make the journey a circuitous one.

2091. From Tatura and all that side?—From Tatura—all the district from the north and west to the north-west of it.

2092. I suppose it would be a distance then about nine miles or ten miles till it would reach the river?—The distance is between nine and ten miles from Tatura to the line on the eastern side.

2093. *By the Hon. N. Fitzgerald.*—Mr. Higinbotham, you were asked the comparative settlement on the east and west of Murchison?—Yes.

2094. And I think you said that that colored blue appeared to cover a greater area on the east than on the west?—Opposite Murchison.

2095. Do you happen to know anything of the country on the west of Murchison towards Rushworth and Whroo?—I travelled over it many years ago. I cannot say that I know it.

2096. Is it within your knowledge that it is a mining district—that there are antimony mines there?—Yes it is so.

2097. I presume it is on that account reserved from settlement?—I presume so; I cannot say from my own knowledge.

2098. Are the two bridges for the western line that you spoke of included in the total cost?—Yes.

2099. Will you give the Committee some information as to the number of creeks or rivers which would have to be bridged over as you think upon the eastern line—I think the first you meet is the Muddy Creek?—Yes, that is one.

2100. What is the width of the Muddy Creek in times of flood, or during the winter months, have you any idea?—I cannot say; I only know that upon the North-Eastern railway it was necessary to make a very large provision for crossing all those creeks.

2101. I presume those creeks are much wider where they discharge into the Goulburn than they are upon the North-Eastern line—they grow as they travel?—Undoubtedly. When the North-Eastern line was being permanently set out, I need scarcely say that no railway for the Goulburn Valley was thought of at that time; but I was so much impressed with the dangerous character of the country through which the line passed, that I altered the North-Eastern line over a length of some twenty miles, keeping two miles nearer to the ranges, in order to keep out of the flooded country.

2102. If I said that that Muddy Creek would be about half a mile wide, would it be an exaggerated estimate?—I know it is a creek that is subject to violent floods. I have been stuck up for a couple of days at Longwood unable to get either one way or the other. The country is impassible except by boats in flood time.

2103. The Muddy Creek is about five miles from Murchison?—I suppose about that.

2104. What is the nature of the country between Murchison and the Muddy Creek?—I have not been over that country. I would rather not give an opinion about it.

2105. Could you say, as an engineer, from travelling over it, that it would require high embankments?—No doubt it would require embankments.

2106. High embankments?—Sufficient to keep out of the floods.

2107. Suppose we say 5 or 6 feet?—I should think so.

2108. Over the whole route?—Yes.

2109. The next place is Castle Creek, Arcadia?—Yes.

2110. That is about ten miles from Murchison?—Yes, I suppose it is about that; I do not know.

2111. Do you know anything of the nature of that creek?—I know it is a creek subject to violent floods; it is crossed by the North-Eastern railway.

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2112. Could you give the Committee any idea of the length of bridge that it would require to cross it?—I could give the Committee an idea of the length of bridges upon all the line of railway.

2113. The next is the Seven Creeks?—Yes; that is subject to violent floods.

2114. Can you tell us what size of a bridge you would require there?—I can give you the length of the bridge upon the North-Eastern railway over that creek.

2115. And of course the creek is wider approaching the Goulburn than it is on the North-Eastern line?—It is of course.

2116. Would not it be three times?—No, it would not be so much, but it is wider.

2117. Now the Broken River?—Both lines cross the Broken River.

2118. Now, taking a viaduct across these three creeks, would the total cost of bridging over, in your opinion, equal the total cost of these two bridges at Murchison and Mooroopna?—Yes; I have said already that the line on the eastern side must be more expensive per mile than the line on the western side.

2119. The floods on the western side are high?—Yes.

2120. And on the eastern side of the river?—Yes.

2121. And these floods, which are periodical, along the country upon the Eastern line, are not so much the surcharge of the Goulburn as it is the back-water from the Goulburn and the creeks overflowing?—No; the floods come down from the high country on the East of the North-Eastern line.

2122. Overflowing the Muddy Creek and the Seven Creeks?—They all come down from the high country.

2123. But is it not an ordinary occurrence, that the whole of the face of that country, on the eastern side, is frequently one vast sheet of water?—I believe it is so.

2124. And being so, and embankments being required at certain seasons of the year, the maintenance of those embankments—being in the midst of a large lake—would be exceedingly costly?—Not if they were properly made in the first instance, and kept sufficiently high above the flood level.

2125. Would they not be earthen embankments?—Yes.

2126. If the whole country were a vast lake, how would you prevent the water from gradually melting away the earthen embankments?—More frequent bridges would be required; but the banks would suffice if they were properly made.

2127. You said that the roads on the western side were very bad, but the nature of the country for roads was better than the other side; is the Committee to understand that there is stone on the western side?—There is a little; it is not so badly provided with stone as the eastern side; that is all you can say for it.

2128. But both sides are practically dust soil?—Yes, that is the state of the matter.

2129. Now as to the distances. Taking Tatura as the centre of the settlement of the western side, what would be the distance from Tatura to the nearest point on the Echuca line?—The distance to Rochester is about 30 miles.

2130. Is that the nearest point?—That, I think, is about the nearest point.

2131. The North-Eastern line comes near to Murchison?—Yes; Murchison would never go to the Echuca line.

2132. The produce of the settlements all round Tatura, if there be no railway on the western side, would it travel to join the eastern railway or be necessitated to come back to the Murray River line?—Yes.

2133. Now take the eastern side, if you please; take the centre of that from any part where you see the line colored blue; what would be the distance from any point in the centre to the North-Eastern line, say take Euroa or Longwood?—From what point on the North-Eastern line?

2134. Where you see the thickest settlement, make a centre of the blue—[pointing out his meaning on the map]?—That would be about eighteen miles.

2135. And the distance from Tatura to join the eastern railway would be eleven, I understood you to say?—Between nine and ten.

2136. Besides having a very much longer distance to travel?—Yes.

2137. Now take that centre from the point—will you refer again to the map—what in point of fact is the greatest distance that any of that settled country on the eastern side is now at this moment from railway communication, from Longwood, Euroa, Avenel, or whatever point be the nearer?—It would get to Avenel in about sixteen miles. It would get to Longwood in about sixteen miles. About the same distance to Longwood and to Avenel.

2138. Now, from the point that you take as the centre, sixteen miles from Avenel, would you be kind enough to say what distance that would be from the town of Murchison?—From the centre of the settlement on the eastern side?

2139. From the point that you say is sixteen miles from Longwood. I want to know the distance from that very point to Murchison, where both lines meet, as it were?—Between three and four miles. Allow me for a moment to say the lines do not meet at Murchison; they meet seven miles south of Murchison.

2140. What I mean is the distance of both lines from Murchison is practically very little both on the east and on the west?—The western line actually touches Murchison.

2141. And the other is about two miles distant?—The line as surveyed on the eastern side would be about three-quarters of a mile from Murchison.

2142. In point of fact, from the point you speak of, only sixteen miles at present from railway communication? If the western line be made, they would be within three or four miles of Murchison?—Yes.

2143. But the Tatura people would be about ten miles away from a railway one side, and I think you said thirty-five or thirty-four on the other from Rochester?—Thirty miles on the other side.

2144. Going along the eastern line, is the nature of the country uniform; is it all of that character which makes it, as you say, dear for a railway?—That is the general character, till you come within eight miles of Shepparton.

2145. Now, as a general rule, is the country which is unfavorable in character for roads also unfavorable for railways?—Yes.

2146. As a general rule?—Yes.

2147. And it is so in this case; the railway, you say, though short, would cost so much?—I believe per mile the railway would cost more.

2148. Are the surveys in the same state of advancement on both lines?—No, the western line has been permanently set out. T. Higinbotham,
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2149. The other is only an approximate estimate?—The other was only an ordinary survey.

2150. And the one survey you would be professionally responsible for and the other not. I presume that the department has made?—Yes, the department is responsible for both, but the surveys are of a different character.

2151. But the estimate might be considerably under the mark upon the eastern side?—I am not prepared to say. I did not make the estimate on the eastern side; I am responsible for the estimate on the western side.

2152. *By the Hon. J. P. Bear.*—You stated that, in branching off from the North-Eastern line, I understood that you would prefer that the Goulburn line branched off not at Avenel, but nearer to Seymour?—Yes, at the gravel pits.

2153. Will you state to the Committee your reasons for giving the preference to that point of divergence?—My reason is, that it would be a more direct line to Melbourne.

2154. Through a better country?—I am not quite sure about that point, and will not speak positively. My reason was, that it was a more direct line.

2155. Would the gravel pits be any advantage in ballasting the line?—No doubt; ballast from these pits must be taken along the line.

2156. I see, by the chart, that if you start from the gravel pits, the line would be rather longer than from Avenel?—More line to make, less line to travel.

2157. The gravel from these pits was used upon the North-Eastern line?—Yes.

2158. Is it very good ballast?—Very good.

2159. No permanent survey, you said, has been made of the eastern line after passing Nagambie?—No.

2160. *By the Hon. T. J. Sumner.*—I should like to ask, Mr. Higinbotham, which is the best line from an engineering point of view, the cheapest line, and the most economical line to make for the good of the country?—Of the two lines?

2161. The eastern or the western?—The western, decidedly, in my opinion.

2162. *By the Hon. R. D. Reid.*—In making that estimate, did you allow for having to buy about six miles of private land?—The usual rate; the rate which we have found from experience which has been paid on other lines for land was assumed as the rate on this line.

2163. *By the Hon. J. P. Bear.*—The bridges that you propose to cross the Goulburn with I presume would be of wood?—It is intended so.

2164. *By the Hon. N. Fitzgerald.*—On the eastern line, does the railway pass through any private land?—I cannot say; I have no doubt it does for some portion of its length.

2165. Is it more costly when it passes through small selections than through large estates—is not the price per acre as great upon the one as upon the other?—I should think it would be quite as great.

2166. *By the Hon. J. P. Bear.*—Are you aware whether the Goulburn is navigable?—It is not at present.

2167. But steamers have been up it for timber?—I am not aware of it; they may have been.

2168. Would not it be an objection in your mind to put bridges in view of the possibility of the rivers thereafter becoming navigable?—Certainly, unless they were made opening bridges.

2169. *By the Hon. J. A. Wallace.*—Can you give the Committee the difference in cost between the eastern and western side in an engineering point of view?—I have not made any estimate of the eastern line.

The witness withdrew.

W. F. Hardie, Esq., examined.

2170. *By the Hon. Sir C. Sladen.*—You are acquainted, I believe, with the Goulburn Valley railway line?—I am. W. F. Hardie,
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2171. What surveys have you made there—you are the district surveyor, I believe?—Resident Engineer of the North-Eastern line.

2172. You have made a survey of this line, I believe?—I have superintended the same.

2173. Would you inform the Committee whereabouts that survey was made?—Shall I describe the line?

2174. If you please?—It leaves Avenel station at a point 72 miles from Melbourne, then proceeds in a northerly direction towards Nagambie. The two lines are identical for $13\frac{1}{2}$ miles from Avenel; they then diverge, one crossing the Goulburn, about 7 miles north of Nagambie, and proceeding in a northerly direction towards Murchison and on towards Tatura.

2175. In fact, that is the western line?—That is the western line. Thence in an easterly direction towards Mooropna and Shepparton, crossing the Goulburn a second time.

2176. When you were upon this line, you were permanently setting it out for the permanent way?—I directed it to be permanently set out.

2177. Do you know anything of the estimate of the cost of that line?—I do not.

2178. That does not come within your province?—That does not come within my province; Mr. Watson generally undertakes those estimates for the department.

2179. Is there any engineering difficulty on that line?—Nothing of any moment, except the crossing of the Goulburn.

2180. And that is rather a costly bridge?—Yes; I have not gone into the cost of it.

2181. About what is the width of it?—About 1000 feet.

2182. About 1000 feet for waterway?—Yes.

2183. Is there any other engineering feature on that line besides that?—Not till you get near Shepparton, and then there is another crossing of the Goulburn.

2184. Is that of the same character?—Of a similar character.

2185. Is the line which you have described one which would be kept in an efficient condition at a low cost, or would it be an expensive line to keep in good condition?—A moderate cost.

2186. There is nothing particular about it either one way or the other?—No.

W. F. Hardie,
Esq.,
continued,
26th August 1877.

2187. Do you know anything of the line which is known as the Eastern Line, on the eastern side of the valley?—I have travelled over it.

2188. Do you know the line itself which has been surveyed?—I do.

2189. Are you able, from your knowledge of the country there, to speak with any confidence as to the nature of the country through which the line would pass?—The country is inferior to that on the west side.

2190. I am speaking of it with regard to the difficulties or facilities, as the case may be, of making a railway?—I should prefer making one on the west to one on the east side.

2191. Are there fewer difficulties presented on the west side?—Yes; they are concentrated on the west, they are not so on the east.

2192. What are the difficulties that you see on the east side?—There are a great many rivers come to that particular point where this line has been set out; there is the Castle Creek, the Muddy Creek, the Broken River, and the other small tributaries.

2193. And is the country in the neighborhood of the localities where this would be crossed subject to be greatly flooded?—I have never seen it, but I understand they are; I have never seen them in flood.

2194. Would not the contour of the country give you an idea whether it is liable to floods?—It does, to a certain extent. I may say that, in practice, I laid out the North-Eastern line; in 1868 and 1869 I altered a great portion of that line through that country on account of the floods.

2195. You think that country was similar to that which would have to be passed by the Eastern line along the valley of the Goulbourn?—Yes. We made a great deal of extra waterway upon the North-Eastern line at this particular point.

2196. Is that always an important item, both in keeping a railway in efficient order and in making it?—Yes.

2197. You expect more outlay upon the line which is liable to these severe floods?—Yes.

2198. Do you think the line on the eastern side would be a more expensive one to keep in repair than the one on the western side?—I think so.

2199. Would there be any great difference per mile?—I could not say the proportions, but I should certainly say it would be more.

2200. Would there be any appreciable difference—any difference which would be of consequence, and which would tell as against the line in the amount for repairs and working expenses, and so forth?—I certainly think so—that depends entirely upon the floods. If there were no floods, then it would not make so much difference; if it is subject to floods in winter, the banks wash away.

2201. Would the gradients be about the same on either side?—Similar. The country is very much about the same elevation on each side.

2202. And there are no ranges or hills to go through on either side?—No, nothing of any moment.

2203. The character of the land on the western side, I understand from the Engineer-in-Chief, is well adapted—it is very good country for making a railway?—Good, sound country, yes.

2204. What is the character in that respect on the eastern side—does it compare favorably with the western side?—I do not think so.

2205. Then in that respect, independently of the bridges and the floods, and so forth, would there be any difference in the cost of construction on the one side and the other?—Yes, I think so. I may say that I have made no estimate whatever of the line.

2206. But as a practical engineer you can tell by a glance of the eye, looking over two different kinds of country, over which *ceteris paribus* you could make it at the least cost?—Yes, decidedly. I think the eastern line would be the most costly.

2207. Independently of the bridges?—Yes.

2208. Are you sufficiently conversant with the country to be able to speak with regard to settlement upon it?—I have travelled over the country.

2209. You have not been resident in it?—I have not.

2210. You cannot speak as to the distance of the two lines—the relative lengths of the two lines?—No.

2211. *By the Hon. H. Cuthbert.*—Mr. Hardie, you have been Resident Engineer, I think, upon the North-Eastern line for several years?—Yes.

2212. Have you been engaged in the construction of the line?—I was for a portion of it.

2213. Do many of the creeks that you have found upon the North-Eastern line flow into the Goulbourn?—Yes, a good number.

2214. And when you were constructing the North-Eastern line you made provision against flood-waters?—We did.

2215. How many years have you been Resident Engineer of the North-Eastern line?—Between five and six years.

2216. Have they suffered much from floods during that time?—Where?

2217. Upon the North-Eastern—from these creeks that we have heard so much about?—I have seen them all pretty well filled, but nothing has been washed away.

2218. You have seen them filled once or twice?—Yes.

2219. But no injury to the line accrued from the flood?—No. In one particular place, as I stated to you just now—I do not know whether you understood me or not—we altered the waterway twice, and made an exceptionally large provision for water.

2220. The land on the western side is more hilly and higher than it is upon the east?—Yes, and sounder ground.

2221. Is it not more hilly in parts than on the eastern side?—Some portions of it.

2222. And more engineering difficulties on that account?—No, I cannot say so.

2223. We will say as far as Murchison, which side of the river is the flattest and smoothest?—As far as Murchison the lines are almost identical, the elevation of the country is similar on both sides of the river, as the line is set out, and I think the levels in the department will prove it.

2224. Then, in point of fact, it would be better in your opinion to construct the line on the east as far as Murchison rather than on the west, would it not?—Yes,* a sounder country to construct a line upon.

2225. As far as Murchison?—As far as Murchison.

* This is an error in evidence. I intended to have said, the west was the sounder side to construct a line upon.—W.F.H.

2226. And by constructing it upon the east side as far as Murchison,* would it not accommodate a greater number of people?—I cannot go into a question of population.
2227. But had you an opportunity of going over this ground?—I had.
2228. I suppose you saw the number of settlers who took up ground about Murchison?—I certainly did on both sides.
2229. Did not you observe that settlement about from Avenel to Murchison was much denser up to Murchison on the eastern side than on the west?—I think it was; I am speaking from memory, I have no map.
2230. You are perfectly correct in your thoughts. From Murchison by the Eastern line on to Shepparton, is there really any engineering difficulty in the way?—There are a few bridges.
2231. But surely you do not regard those as any insuperable objection?—Not insuperable, certainly.
2232. You only look at the question of expense in spanning these creeks?—Yes, and from the floods; I certainly would make extra provision for them.
2233. How would you provide against the floods?—By making additional waterway.
2234. Have you made inquiries when you were up there, how often the Goulburn was flooded during the last twenty years?—I have known of two very heavy floods in the last twenty years.
2235. You have known of two floods?—Yes.
2236. In what years?—I cannot recollect the date, I only speak from memory.
2237. Were you up in this part of the country at the time?—I was not.
2238. Did you have an opportunity of judging?—I was not over the country at the time.
2239. Were you on the east side or west side of the stream at that time?—I was not down in that part of the country—not that part of the country at all at that time.
2240. You had no opportunity of judging of the effect of the floods?—Not down there, at that particular spot.
2241. You see where Mooroopna is upon the map?—I do.
2242. About there, I think (if I understood Mr. Higinbotham rightly), he said it would be necessary to have a swing bridge there, at the river just about that part?—I am not aware of any swing bridge being proposed.
2243. Do you know anything about the estimate of either line, east or west?—I do not know. Mr. Watson can speak upon that point; I have nothing whatever to do with the estimates.
2244. Who was the surveyor who laid out those lines, east and west?—Messrs. Martin and Strafford.
2245. Are they still in the Government service?—They are.
2246. Did you accompany Mr. Higinbotham in February last, when he went over that line?—He and I have been several times over that country to see the different surveys, at the camps when they were making the surveys, and giving instructions for the making of the permanent surveys.
2247. When you were travelling, did you travel up that western side and come down the eastern, or go up the eastern and come down the western?—I have travelled three or four times both ways.
2248. But when you were with Mr. Higinbotham?—I think we travelled up the east side and came down the west side, as far as I recollect.
2249. Coming along the west from Shepparton, where did you go to?—From Shepparton?
- 2250.—Yes?—From Shepparton we crossed the punt, and came to Mooroopna. We crossed the punt again to see the other side of the country—we described a circle.
2251. Did you cross the Broken River?—Both ways we did; and I was going to tell you that we went back from Mooroopna, back to Shepparton, to examine both sides of the country.
2252. Leaving Shepparton, where did you go to?—To Mooroopna.
2253. I thought you went back again?—We did; and from Mooroopna we went to Tatura, and from Tatura to Murchison.
2254. From Shepparton to Tatura, what kind of road did you travel over?—Shepparton to Tatura?
2255. Yes?—There is a small portion of it between Mooroopna and Shepparton is very bad upon the flats, that is, upon the east side of the Goulburn, and upon the west side it is very swampy likewise, but between Mooroopna and Tatura the roads are very fair.
2256. On the western side?—On the western side.
2257. From Tatura down along, what was the next place you came to?—From Tatura we went to Murchison.
2258. What state do you find the roads in on the western side?—It was a very bad road.
2259. That is a bad piece of road?—Yes.
2260. A large portion of it made by the Shire Council?—Some of it formed, but there is no gravel or ballast upon it.
2261. And from Murchison you came to Nagambie?—Yes.
2262. Is there a good road there?—No; the roads at that time of the year were very bad indeed; they could not be very much worse, for the traffic was so great upon them.
2263. Do not you think, by constructing a line upon the eastern side, it would be of advantage to those also residing upon the west of the river?—Yes, I believe it would.
2264. Would the reverse hold good, that, if you construct a line on the west it would be of any use to the people on the east—are the roads in such a state there that the people could get their produce to the railway line?—It would not be of much use to a great portion of them, unless a bridge were constructed over the Goulburn.
2265. But given the bridges, can they make roads on the eastern side without going to a very great cost?—The eastern side?
2266. Yes?—No, I do not think so; I saw no ballast whatever to put on the road—nothing to put upon the road. There is some ballast upon the western side, but none upon the other.
2267. Now, where those two routes or lines are nearly opposite to each other, what are the reduced levels—take any place there, what is the difference in the levels on one side and the other?—I do not quite understand you.
2268. On the east and west sides take relative places—take those two lines, say at Murchison, what is the difference between the levels at Murchison on the east and on the west side?—Between Murchison—that is to say, where the line has been laid out permanently, and where the temporary line has been set out?

* This is likewise an error in evidence. I misunderstood the question. I meant the west side. I have not altered it, in terms of letter forwarded, but this is what I meant to convey.—W.F.H.

W. F. Hardie,
Esq.,
continued,
25th August 1877.

2269. Yes?—I should say there would be very little difference in height; but I only speak from memory, the books in the department would show their height exactly.

2270. Very little difference you think?—Very little difference in height, as the line is set out.

2271. So that the advantage in favor of the Eastern line would be, that it would be two miles or two miles and a half shorter than the other?—Yes.

2272. And it would accommodate more people?—It would accommodate a good many people.

2273. And not run for six miles through a private estate?—There are private estates upon the east as well as upon the west side.

2274. *By the Hon. N. Fitzgerald.*—Have you charge of the whole of the North-Eastern line?—Yes, I have charge of the whole of it, from Essendon to Wodonga.

2275. Are you then perfectly familiar with the country between Avenel and Euroa—these are the points to which the produce from the eastern side of the railway would naturally flow?—Yes.

2276. I suppose you are aware that the produce of this country finds its way to some of those stations?—Which stations?

2277. Longwood, Euroa, or Avenel?—It does; a considerable quantity.

2278. And what is the distance from—say the most northern point of these three—Euroa to Melbourne—about what say Avenel to Melbourne?—Seventy-two miles.

2279. Now, what is the distance from either of the nearest of these three railway stations, Euroa, Longwood, or Avenel, to the centre of the district between the North-Eastern railway and this proposed line on the eastern side?—I have a small plan; it does not give Euroa.

2280. Take the centre, say six miles from Murchison, to the east—[*handing a map to the witness, and explaining the same*]*—is that country settled—what is the distance from that point to the nearest railway station of those three, Longwood, Euroa, or Avenel—the nearest?—The stations are not marked upon this plan.*

2281. I do not want it with exact accuracy—would it be about 15 miles?—[*The witness scaled the distance upon the plan*]*—Sixteen miles to Euroa.*

2282. Then, supposing the Western line of railway were constructed, and to run through the town of Murchison, would not the settlers on the eastern side—at the point where you have your pencil mark there, six miles—be able to take advantage of the Western line of railway at Murchison, within six miles of them; or, if they preferred, would they not have at Euroa railway communication only 90 miles from Melbourne, within 15 or 16 miles of them—is not that what you just said?—Would you just repeat it?

2283. This point is six miles from Murchison, so that the settlers there would have for their produce a railway if this Western line were constructed within six miles of them here, and the worst that could happen would be for them to have fifteen or sixteen miles to go to Euroa?—That is all.

2284. Now come to Tatura—suppose that this Eastern line were made, those people would be obliged to go across there, catch the communication, or else come a distance of twenty-five miles to Rochester to the main line?—Yes.

2285. And Rochester is, I suppose, double the distance from Melbourne that Euroa or Avenel is?—I cannot say.

2286. At any rate a considerable distance?—Yes.

2287. You see the point there a little below Tatura?—I do.

2288. The settlers there would have to cross the Murchison bridge, would they not, to get to the railway on the eastern side?—They would, as things exist at present; that is to say, that is the only communication there now across the bridge.

2289. Do you know anything of the nature of the ground between the Murchison bridge, the bridge where the railway would be, say two miles, or two miles and a half off?—I do.

2290. Is it flooded in winter time?—It is.

2291. Would it not require absolutely the continuation of that bridge to reach the railway station in winter?—Yes, it would require a bridge of about three quarters of a mile.

2292. Would not that three-quarter mile bridge be more expensive to connect the bridge itself with the railway station than the bridge itself over the Goulburn River?—I have not gone into that.

2293. I do not ask you to pin yourself to a shilling; I say, from your knowledge of the country, would you not estimate the cost of that bridge to connect the railway to be quite as great as the bridge across the Goulburn, £4000?—It would; I have just made that calculation.

2294. You said a few bridges across these creeks, and you told us the nature of the water-ways that you say you have to enlarge in order to get rid of the flood-water upon the North-Eastern railway. I presume it is within your knowledge that these creeks, the Muddy Creek and the various other creeks, the Seven Creeks, that they grow very much, do not they, between the North-Eastern line and where they debouch into the Goulburn?—As I said before, I have not passed through that country in flood.

2295. No, but from passing over the country, surely you can see the traces of its having been inundated—are they not very wide creeks?—Yes, some are of considerable width.

2296. What would you think to be the width of a bridge across the Seven Creeks?—I think about 1800* feet.

2297. Now will you be kind enough to inform the Committee whether the cost of making that bridge across the Seven Creeks would not be more expensive than a bridge across the Goulburn—do you think it would be as much?—I think it would be.

2298. That is across one creek?—Yes.

2299. That is one of the “few bridges”?—Yes.

2300. And it would require a very long bridge over the Muddy Creek, would it not?—I cannot speak positively about any of the others; I took the size of this going along one day, and that is why I can speak of it.

2301. And you say it is 1800 feet long?—Yes.

2302. Would this railway on the eastern side not have to be upon embankments all the way, or a considerable distance?—Yes.

2303. A considerable distance?—Yes.

2304. Would it be a continued line of embankments—the bank of the river is very low there, is it not?—No; the banks of the river are steep there.

* This was an error in evidence. See question 2551.—W.F.H.

2305. Upon the east?—Yes, the banks of the river are steep.
2306. But the country upon that side of the river, upon the eastern side, is very low, is it not?—
Very flat.
2307. And sometimes inundated?—Yes.
2308. You have heard of its being inundated?—Yes; but I never saw it personally.
2309. But you as an engineer must know it would be subject to inundation, and you must have the permanent way above flood level?—Certainly.
2310. Can you give us an idea of the height the embankment would be to keep the permanent way above flood level?—I cannot speak positively about that.
2311. Would it be 5 feet?—I think not.
2312. You said to my honorable friend the Postmaster-General—I do not know whether you intended the effect of your answer—but you said the line east as far as Murchison, the projected line could be made cheaper than the Western line?—About the same I said.
2313. You said that the country was more suitable—sounder on the eastern side than on the western side—as far as Murchison?—I do not think so.
2314. I did not think you meant it, but I took that down as your answer, to give you an opportunity of correcting it. Is the country better on the western side than on the eastern?—The country, as far as Murchison, is very similar indeed on both sides; it is very flat on both sides.
2315. You were talking about the character of the country—the ballast; do you mean that there is stone upon the western side?—Yes.
2316. Much of it?—Yes, a good deal in the hills I examined. It is not of a very good quality, but it exists.
2317. I suppose making the roads between Tatura and Murchison must have been very expensive?—There is not very much ballast upon any of them.
2318. But would not the character of the country, which is bad to make a road, be, as a general rule, to make a railway also?—Yes.
2319. *By the Hon. W. Wilson.*—I think you are the Resident Engineer for the North-Eastern line?—Yes.
2320. You have professional knowledge, I apprehend, of the routes which are proposed by the Government, marked upon the county of Moira plan?—Yes, I have a plan showing the different routes.
2321. Have you been called upon, as Resident Engineer, to form any estimate of the cost of the construction or not?—I have not; I have informed the Committee before that Mr. Watson is entrusted with the estimate of all those lines.
2322. Have you formed an estimate of the route marked blue, crossing the Goulburn and going into the township of Murchison, and crossing the Goulburn and going into Shepparton?—I have not made an estimate of either line, I only superintended the laying out of the line through the country.
2323. You have examined both routes—travelled over them?—Yes, I have.
2324. I apprehend you are only prepared to give evidence as far as your professional knowledge of each line is concerned, not of the character of settlement?—No, I know nothing at all about settlement, unless from casual observation.
2325. Is there any necessity for taking the blue line across the Goulburn, at a point about the west of Nerline township, or pre-emptive right, instead of at a point about a mile-and-a-half below Murchison—north of Murchison; is there any engineering necessity for that, if the blue line be found to be the best to be made, in an engineering point of view?—I examined the banks of the river there up and down for miles below the present point where we cross, and I selected this point, because it is a long reach and a square crossing, and the banks on both sides are nearly the same height.
2326. If you go straight north from the pink line where it diverges, would not the crossing be equally good?—Is that nearer Toolambie station?
2327. The allotment marked upon the plan is 209, at the edge of the river?—I do not know; I could not speak positively.
2328. Then have you any knowledge—suppose that it crosses there and it was found to be easily crossed—of the distance from there to Shepparton, in a direct line from that point?—Will you show me the point, if you please?
2329. A bend in the river marked upon the north bank of the river 7, and upon the south bank of the river 209, going up from the pink line straight north?—Will you show your plan to me please—*[the honorable member pointed out to the witness his meaning on the plan]*?—Yes, I know that place.
2330. Have you any knowledge of the distance from there to Shepparton, in a direct line, by either the Western or the Eastern route?—From the river, do you mean?
2331. Yes, from that point?—From the river or from the line?
2332. From the river, crossing to Shepparton?—Sixteen miles from there across to Shepparton.
2333. Then the whole engineering difficulty is to be found between that point and Shepparton—16 miles?—Yes.
2334. Then have you any knowledge, or can you arrive at the distance from that point that the blue line would require to traverse to Shepparton, as compared with the pink?—Round the blue line do you mean?
2335. Following the blue line to Shepparton as proposed?—I take the distance from the crossing of the river, in a direct line to Shepparton, not round the pink line.
2336. Round the pink line, and round the blue line, what is the difference in length to reach Shepparton?—*[The witness measured upon the plan.]*—It is 19 miles by the pink line, speaking roughly, 22 miles by the blue, roughly.
2337. Then there would be a difference of 3 miles in what is really 16 miles of a straight line from that point to reach Shepparton, going by the pink line on the one hand, and the blue on the other?—The distances I gave you are nearly correct.
2338. Would it be more expensive to construct the pink line than the blue?—I think so.
2339. More expensive?—Yes.
2340. Upon what grounds would it be more expensive?—I think I have stated already that the country is not so well adapted for constructing a railway, because it is both boggy and spewy, and that description of ground is not good at any time for building a railway; I have found it so before.

W. F. Hardie,
Esq.,
continued,
23th August 1877.

2341. Then take into consideration having to cross the Goulburn twice?—Yes.
2342. And bridging the Goulburn twice?—And bridging the Goulburn twice, upon the blue.
2343. The bridging of the Goulburn twice would cost less or more than the pink line on the eastern side to Shepparton, per mile?—I do not quite understand you.
2344. What I mean is this—say that the pink line is to go 19 miles, and that the cost of constructing it from that point to Shepparton would be more than the cost of the blue line 22 miles from the crossing the Goulburn to Shepparton?—I could not say that, it is a matter of calculation, I have not made an estimate of that; Mr. Watson made all the estimates.
2345. From your knowledge you think the blue line, so far as the settlement has taken place, would accommodate more people than the pink?—I cannot speak with certainty, from casual observation I should say so.
2346. But from your knowledge of the route the blue line takes, would it be at all possible for people settled upon the western side, down about Kialla, and west of Shepparton, to get an easy road to go into the blue road, it would be easy to construct a road to any station upon the blue line?—Yes, by bridging the Goulburn; there is no difficulty about that.
2347. There are a variety of creeks, I understand, the Seven Creeks and Broken River, that enter the Goulburn between the two points, between the 16 mile, where you cross the Goulburn, and Shepparton?—Yes.
2348. Would it be a very difficult matter to bridge these creeks, in order to make a road to reach a railway station on the western side?—Yes, it would, with some of them.
2349. Would it be as difficult to bridge them to oblige the settlers on the eastern side as it would be to bridge it for the railway?—No, it would not be such an expensive bridge.
2350. Then, from your knowledge in a purely engineering point of view, you think it would be better to carry the railway across the Goulburn at the point I indicated, 16 miles from Shepparton, and make a detour by the blue line here, and come into Shepparton across the Goulburn?—I may tell you that I examined that crossing that you speak of, it would be a very long crossing, and would be a longer crossing and a worse one than the present, for the simple reason that the banks are very low upon the one side, and very high on the other. Where we cross now, the banks are high on both sides. Almost all these rivers have a high and a low bank, but in this case they are both high, and pretty nearly the same elevation, or within a few feet of each other; therefore I consider it the best crossing.
2351. From a professional point of view you are of opinion that it would be better to take the railway across the Goulburn, as indicated here by the blue line, and again across the Goulburn, near Shepparton, to connect Shepparton with Avenel?—No; my idea of the line most suitable to the people of that district and the settlement generally, would be to take the blue line up to within two or three miles east of Tatura, on the Rochester road, and leave the line there for further extension to the Murray. This would save making 7 miles of railway at present, and a saving likewise of an extra crossing of the Goulburn and Broken Rivers.
2352. And not go into Tatura at all?—No, that would accommodate the whole district of Shepparton as well.
2353. Make the terminus about three or four miles west of Shepparton?—No, to the east of Tatura.
2354. And within three or four miles of Shepparton?—And about three miles to the west of Mooroopna, and about six miles to the west of Shepparton, on the Rochester road.
2355. *By the Hon. Dr. Dobson.*—You said that the line on the eastern side as well as the line on the western side ran through private property; do you know the extent—how many miles would the railway go through purchased freehold land taking the eastern side?—I could not give it you definitely.
2356. Have you any idea at all?—No. I know Mr. Fraser has a large estate there.
2357. Anybody else?—There are others, but I forget their names.
2358. *By the Hon. J. P. Bear.*—The line as proposed branches off at Avenel?—Yes.
2359. Do you think that is the best spot for it to branch off?—I do not.
2360. What, in your opinion, is the best point?—I consider what we call the gravel pits is the best route—about five miles south of Avenel.
2361. Between Avenel and Seymour?—Yes.
2362. That would be a more direct line?—A more direct line.
2363. And go through better country?—Similar country.
2364. Would you get the gravel direct for ballasting there?—That is one great matter in taking the line from there; there is splendid ballast, and any quantity.
2365. Upon the spot?—Yes, upon the spot, and within half a mile of the junction.
2366. *By the Hon. J. A. Wallace.*—I think you are in favor of the branch line coming out at the gravel pits. I think Mr. Higinbotham's opinion is the same as yours—will you tell the House the reason why you desire to bring it into Avenel when you think it would be better to join at the gravel pits; have you any reason for it?—When I went up to examine the country, I saw this was by far the best and most direct line from Melbourne, but there was some opposition raised to it at the time, I do not know by whom; but I think it was the people of Avenel.
2367. Have you any idea of the objections, what they were?—I could not say; at all events, the survey was given up, and the permanent survey from Avenel proceeded with.
2368. *By the Hon. J. Balfour.*—I understood you to say that you would not propose to carry the line direct from Shepparton?—Yes.
2369. I thought you said about six miles from Shepparton—did you recommend that?—Yes.
2370. Leaving the line for an extension further northwards, I suppose?—Towards the Murray; I thought it would do away with the necessity for crossing the Goulburn a second time, and it would accommodate the whole of that country.
2371. In a general way, from an engineering point of view, do you prefer the red or the blue line, taking into consideration the economy of construction and all the circumstances?—I prefer the blue.

The witness withdrew.

Robert Watson, Esq., examined.

2372. *By the Hon. Sir Charles Sladen.*—You have been engaged, I believe, in surveying a line upon the Goulburn Valley?—I have not been engaged in surveying it, but I have been over the route. I have been over the Goulburn Valley, but I have not been engaged in surveying it.

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2373. In what way have you been concerned in the Goulburn Valley line?—I have travelled over the different routes which have been surveyed there, and I have made estimates of the two lines, the one on the east and the other on the western side of the river.

2374. Have you gone over the surveyed lines?—I have.

2375. You did not survey them yourself?—I did not.

2376. And you had the material at hand for making an estimate?—I had sufficient material at hand to make comparative estimates between the cost of the two lines.

2377. That is actual estimates for both lines?—Yes.

2378. When were you there?—I first went over the line on the western side of the river in the early part of July.

2379. Last July?—Yes.

2380. Was that your first acquaintance with the country of the Goulburn Valley?—Yes, it was.

2381. Then what did you do in July?—I simply drove over the line from Seymour through Nagambie, Murchison, and to Shepparton. I returned on the same side of the river by way of Tatura, again through Murchison and Nagambie to Avenel.

2382. Still going through Murchison?—Going both ways through Murchison.

2383. Then you have not seen the intermediate country, marked blue upon the chart, between Murchison and Nagambie?—Yes, I have seen the country, marked blue on the plan, between Nagambie and Murchison.

2384. You did not state so. As I understood, you went from Nagambie to Murchison, which would be following more nearly the red line, would it not?—No; I crossed the river at what is called the Nagambie Punt, about two or three miles north from Nagambie.

2385. Is that anywhere in the neighborhood of the crossing of the blue line?—It is not near where the blue line crosses the Goulburn; but, on my way back, I examined the point at which the line crosses the Goulburn.

2386. Could you point out where the crossing-place on the Goulburn is. Is it anywhere near the line marked blue that you crossed over?—The point at which I crossed the Goulburn was a considerable distance—I should think four or five miles—from where the line crosses the Goulburn. I have not the exact position of the township of Nagambie marked upon the plan.

2387. In describing your tour from Nagambie to Murchison and Shepparton and back again, I could not see that you went at all near the blue line, as it is between Murchison and the crossing of the river?—On the way back I went to the point at which the line crosses the river.

2388. You did?—I did, on my way back.

2389. Then, in fact, you have been over the whole of the pink line, and the whole of the blue line?—I think I may say that I have followed the route of the blue line more closely than I did the route of the pink line.

2390. Will you give the Committee the benefit of your observation with regard to the expense—say of the blue line?—On my first visit I considered the question was settled, that the line was to follow the direction indicated by the blue line. I had nothing whatever to do with what is shown as the pink line. It was only on my second visit that I saw anything of the pink line. I assume that the Engineer-in-Chief had selected the best route for the line, and I saw no engineering difficulties whatever in its construction.

2391. Will you give the Committee the benefit of the estimate you made of the cost of the blue line?—My estimate which I made of the cost of the blue line, which is on the western side of the river, was £259,925, and its length 44·425 miles.

2392. How much was that a mile?—£5851.

2393. And what is the entire length?—44·425 miles from Avenel to Shepparton.

2394. Is that including the whole cost of the permanent way?—That includes everything.

2395. Bridges, stations, rolling stock?—That includes everything.

2396. What do you estimate the cost of the bridge across the Goulburn, south of Murchison?—£4000.

2397. And the one at Mooroopna?—The one at Mooroopna, I have assumed that the provision to be made for water would be greater, because it is lower down the stream, and has received the water from several different creeks. I have taken that at £4800.

2398. And along the blue line are there any other what would be generally known as engineering works besides those two bridges?—There is nothing of any consequence; the ground is slightly undulating, but there are no heavy works at all.

2399. Good sound ground?—Yes; it is good sound ground.

2400. Much cutting?—I do not think there need be any considerable cutting at all.

2401. And that appeared to you to be a good line?—Yes.

2402. Well laid out. Now will you give the Committee the benefit of your observations on the pink line?—I had not an opportunity of examining the pink line so carefully as I had the west line.

2403. Did you go over the pink line in July, when you first went over the blue line? No; subsequently. When I first went over the country I had no idea that the pink line was contemplated.

2404. When did you first go over the pink line?—I think about a fortnight after I first went over the blue line.

2405. About a month ago, the end of July?—About that; but I do not like to speak positively—about a month ago.

2406. Have you formed an estimate per mile of the cost of the line marked pink?—Yes.

2407. Would you give the Committee the benefit of that?—I made the first estimates for the blue line and the pink line at the same time.

2408. You made them at the same time?—Upon the same day.

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2409. I understood you to say that you made an estimate of the blue line early in July?—No; I made an examination; I am speaking now of the estimate. I examined both lines before I made the estimate. I made the estimates at the same time. The estimate for the line on the west side, that is the blue line, as I said before, was £259,925. The estimate for the eastern line or pink line was 42.6 miles in length, cost £259,419.

2410. How much per mile is that?—On the east side £6089 per mile; on the west side £5851 per mile.

2411. What engineering difficulties did you find on the pink line?—There is a very large provision required for the water, a much larger provision per mile than on the western side.

2412. What part of the line is that in?—I think I may say the whole length of it.

2413. Could you speak with any certainty as to either side of the river being subject to floods?—No; I cannot speak of that.

2414. But in forming your estimate of a line of railway, would it not be necessary that you should have some idea of the flood levels?—Yes; but in this instance I was guided by the provision that has been made for the water that passes underneath the North-Eastern line between Avenel and Benalla, the whole of the water that passes under the North-Eastern line between Avenel and Benalla would be crossed by the line that passes on the eastern side of the Goulburn, with one exception. I will not say slight exception. At a certain point on the Broken River, which is crossed by the North-Eastern line near Benalla, about six miles down the river, there is a point at which the water in floods overflows its banks, and goes away to the north and north-east, and has not to be crossed by the line upon the eastern side of the Goulburn; but in making the estimate for the provision for water upon the pink line, I have not added anything for the gathering ground between the North-Eastern and the pink line. It has been found that the provision for the water on the North-Eastern line is not excessive, but I have adopted the same provision for the pink line as upon the North-Eastern line.

2415. I suppose they would need more water-way upon the Eastern line than upon the North-Eastern line, upon the eastern line of the Goulburn Valley?—If anything it would require more; but it does not necessarily follow. If a fall of rain were to follow down the water courses at the same rate at which the water flows in the water courses, greater provision would be required at the crossing of the pink line; but as a rule the water that falls between the two lines, a very considerable portion of it would have passed through the pink line before the water that fell about the North-Eastern line would come down to it; so that it does not necessarily follow that a proportionately larger provision should be made upon the pink line.

2416. But I want to draw your attention to the liability to inundation of that country, and in forming your estimate of the line. I want to ascertain from you whether it was not desirable for you to know what the flood levels were, in order that you might keep your permanent way above flood water mark?—It is almost impossible in a country like that to ascertain the flood levels, except you marked the well-defined creeks. When the water flows over a flat open country like this, it is almost impossible to find out where to make provision for it.

2417. But as a matter of precaution you would ascertain from persons living in the neighborhood where the water went, and how it went?—It is exceedingly difficult to get that information in a country like this, as compared with country where the creeks are well defined. In an open creek a man will say it goes up as far as that mark is, and that is definite and certain; but in an open flat country like this where it extends so far, it is a difficult thing to find out, it is almost impossible to say what the flood levels would be.

2418. As a general rule you have to keep your permanent way well above the flood water?—Yes, certainly.

2419. Then in the absence of that information that you say there is so much difficulty in getting, your estimate might be considerably out; and if you have to raise your line a foot more, or two feet more than you estimated, would not that make a considerable difference in the cost per mile?—Of course it would. I have assumed that through this flat country an average height of embankment of 3 feet would be required all the way.

2420. You have calculated upon the general level being kept up 3 feet?—Yes; it is merely a matter of opinion, in some cases it would be no doubt more.

2421. Do any of the creeks upon the pink line present any great difficulties in bridging?—I do not think so.

2422. Are not they likely to develop into large watercourses?—No; in the one case I mentioned just now, the Broken River, the provision for water I think necessary will be considerably less than where it is crossed at Benalla. The other creeks, the Castle Creek I think, for instance, would require much more provision. The Muddy Creek is scarcely known upon the North-Eastern line; it is a name that it gets after crossing the North-Eastern.

2423. Independently of the bridges and all questions of flood, how do the two sides of the river compare generally for making a railway—the east and west sides?—I consider the earthworks upon the eastern side would cost more per mile than those on the western side.

2424. Is that due to the flood?—That is due to keeping out of the way of the floods.

2425. But otherwise where the ground is dry, are there greater facilities on the one side than on the other?—No, where the ground is dry, I do not think there is any difference.

2426. Would the ballasting on each side be the same?—Yes, as far as I have been able to make out.

2427. Where would the ballasting come from on either side?—It is difficult to say. There are gravel pits not far from Avenel, some miles from Avenel, and I think that a considerable portion of the gravel would have to come from there; but it would have to be carted or taken by a tramway to the proposed line.

2428. Could it not come by the North-Eastern line?—It might, but it would have to come a long way.

2429. I thought it was upon the North-Eastern line?—It is near the North-Eastern line.

2430. You are not aware of any other source from which ballast could be taken for either line than those gravel pits?—I am not aware of any; I believe there is stone at different places along the line, but the evidence about it is not at all conclusive.

2431. Is that upon either line?—Upon either line, as far as I know, but I think there are prospects of getting ballast better on the western than on the eastern.

2432. Did you take that into consideration in your estimate?—No, I have taken the same cost for ballast upon the west as upon the east, because the information we had was imperfect.
2433. Supposing the idea is correct—that ballast is to be obtained somewhere upon the western line, would that make much difference in your estimate?—I should not like to make an estimate upon such imperfect information; I believe it is possible that we may find no ballast at all there.
2434. Is the item of ballast a considerable item in the cost of the permanent way?—Yes.
2435. And if ballast be got anywhere upon the western line, it might save considerable expense in bringing it all the way from the gravel pits?—If ballast can be found conveniently upon the western line and none upon the eastern line, of course that would materially affect the estimates of the two lines.
2436. About what would the cost of ballasting be per mile?—I have estimated it at £478 per mile for each line.
2437. From what you could see of the country, what facilities would there be for the people at Murchison to get to the pink line of railway?—They would have to travel about three quarters of a mile or a mile, over a very bad road unless a considerable sum of money is expended upon it. I am told that the road there—I do not know from my own observation, but I am told—I have heard it variously stated that the floods reach from 12 to 17 feet over the road for a considerable distance.
2438. For the whole distance that you name?—No; for a considerable distance. I cannot tell you the distance; my own impression is, that there must be some mistake, and I have repeatedly said so. Without taking any levels I cannot conceive it possible that there ever can be such a flood as that.
2439. Have you ever formed any idea, in going over the pink line, where would be a convenient place to make a station to accommodate Murchison?—I cannot state from recollection, but I do not think there is much difference in the country for a considerable distance up and down the line from a point opposite Murchison.
2440. What distance would that be?—About three quarters of a mile, or a mile.
2441. Is there a bridge across there?—There is a bridge across now.
2442. *By the Hon. T. T. a'Beckett.*—You stated that the cost of a bridge 1000 feet in length would be only £4000?—Yes; a considerable portion of the bridge is very low.
2443. And a small portion of the 1000 feet is for spanning?—I call it a low viaduct; just to keep above the flood level.
2444. In fact a wooden viaduct?—In fact a wooden viaduct.
2445. The river is not 1000 feet?—No, I do not suppose the river is 200 feet. Of course the portion over the river would cost considerably more than the portion erected just to get over the flood level; that reduces the total cost for the whole 1000 feet.
2446. What would be the width of this viaduct bridge?—I think about 9 feet; the same as we are adopting on the lines we are now constructing.
2447. What kind of wood is the bridge?—Hardwood, red gum, and ironbark.
2448. What would you consider the life of a bridge made of that material?—From fifteen to twenty years.
2449. Would it require much repair in the meantime?—It would require more repair than an iron bridge.
2450. Do you consider, in view of the future, it would be more economical to erect in the first instance an iron bridge?—That depends upon several circumstances; it depends upon the shorter life or longer life—that is, the life of a wooden bridge or an iron bridge, the cost of the annual repairs, and the current rate of interest upon money.
2451. *By the Hon. N. Fitzgerald.*—By whose directions did you go over the line?—I first of all went—I will not say exactly by direction of the Engineer-in-Chief, but as I go over all the lines after consulting him, I said “I am going,” and he said it was all right; and on the second occasion I went at the request of the Commissioner of Railways.
2452. Your earliest visit was in July last?—I have no doubt it was early in July.
2453. You do not know when the Railway Bill was introduced to Parliament. It was the first week in July, and you went about that time. In the estimates you have given for these respective lines, I would like you to inform the Committee what position these respective estimates are in; in other words, are the estimates for the western line complete, plans and everything, and permanent surveys?—For the western line the permanent survey is about completed now.
2454. Is that estimate of £259,925 that you gave not made after a permanent survey, that is, after the ordinary survey such as would be made if the line is about to be tendered for?—Certainly not such an estimate as I should make when the line was about to be tendered for; but I should state that the information which I had was precisely of the same nature as the Engineer-in-Chief had when he made his estimate £255,588, and mine, without either seeing the other estimate, being £259,925.
2455. Do you wish the Committee to understand that you feel equally confident in speaking as to the respective figures for both lines, the pink and the blue?—I endeavoured as far as I could with the information at my command to make a fair comparative estimate of the two lines. I should not like to be bound. I would not furnish such an estimate immediately before the line was let to contract. My instructions were to make a comparative estimate between the two lines with perfect fairness.
2456. Are you aware what the permanent survey of the Western line cost?—I do not know.
2457. Do you know anything at all about this country?—Simply by passing over it the number of times I have stated.
2458. Have you ever travelled through Rushworth or Whroo?—Many years ago, eighteen or twenty years ago.
2459. *By the Hon. J. Balfour.*—I want to get, if possible, an answer to a question put by my honorable friend just now, but not answered satisfactorily, at least to me—Do you wish us to understand, I suppose you do not, that you have as sufficient data for forming an estimate upon the Eastern line as you have for forming an estimate for the Western line as to cost?—I had sufficient information to make what I consider to be fair comparative estimates.
2460. I have not the slightest doubt that you gave a fair comparative estimate as far as your data went; but have you as sufficient data to form an estimate of the Eastern line as you have of the West?—I think so.

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2461. Do you make any allowance for the purchase of land upon both lines?—On both lines I have taken the price per mile the same; but that is in the absence of any valuation by the Government Valuator. I do not consider myself competent to value the land, and in the absence of the valuation which we generally get from the Government Valuator, I assume the cost of the land on each line would be the same.

2462. You do not know what the purchase would be, but you assume the same for each?—The same for each.

2463. In reference to the Gravel Pits, have you formed any opinion as to whether that would be a better branching-off place than Avenel?—I have no doubt whatever. The position of the line now in the Bill was pointed out to me on my return from England, and I was surprised. I could not conceive it possible that the line should be taken from Avenel, when there was a better point to take it from at the Gravel Pits; and another reason why I would take the line from the Gravel Pits in preference to Avenel, is one that may not be known to honorable members. There are two different ruling gradients on the North-Eastern line. The ruling gradient between Essendon and Seymour is one in fifty, after that the ruling gradient from Seymour to Wodonga is one in seventy-five. The same engine will take a considerably greater load from Seymour to Wodonga than it will from Melbourne to Seymour, and this would necessitate the breaking up of the trains at Seymour. The trains for Shepparton would, if the line be made from the Gravel Pits, go straight from Seymour to Shepparton, the trains being broken up at Seymour; and the trains from Shepparton to Avenel have again to be broken up at Avenel.

2464. What gradient would it be upon the Shepparton line?—No doubt the ruling gradient there would be one in fifty; but the country is so easy, that a gradient of one in fifty for a short distance and tolerably straight road would scarcely be felt. It is only in a long distance that the one in fifty is felt.

2465. You would not require the same strength of engine?—No; I do not think you would require a stronger engine to work the traffic from Seymour to Shepparton than you would from Seymour to Wodonga.

2466. Looking at the two lines, the red and blue, from an engineering point of view, including cost of construction and so on, which would you naturally prefer as an engineer?—I can only say that the opinion which I formed when I first went over the lines was that the blue line would be formed at a less cost per mile than the pink line. The result of my estimates proves that my judgment was right in that respect, regarding not the total, simply the price per mile.

2467. That is assuming no ballast to be got on either line?—Assuming the ballast the same on each line.

2468. *By the Hon. T. T. a'Beckett.*—You seem to consider that starting from the Gravel Pits will be far preferable to either of these routes on the map?—Oh, no; starting either from Avenel or the Gravel Pits there is a point upon the proposed line where the line to the Gravel Pits would be common to both.

2469. Then could you carry out the opinions you have just expressed as to the value of starting from the Gravel Pits without going beyond the limits of deviation?—I think so.

2470. Then, in point of fact, it is within the limits of deviation to carry out the opinion you expressed as to the advantages of starting from the Gravel Pits?—Yes, a glance at the map will show that the limits of deviation are just sufficient to admit of the line starting from the Gravel Pits instead of Avenel.

2471. *By the Hon. W. Wilson.*—I think you have informed the Committee that you have travelled over both routes—the blue and the pink as proposed?—Yes.

2472. Did you give sufficient time to form an opinion as to the best route as far as the country is concerned, or only as to the value of construction?—Only as to cost of construction.

2473. Then the result of your estimate is that the line can be taken to Shepparton for a smaller sum, taking the whole line by the pink route, than the blue?—Slightly smaller.

2474. What difference of mileage is there between the two lines?—Two miles.

2475. Could you offer any opinion as to the advantage to settlement it would be along either of the routes?—I do not profess to know anything about settlement. I do not profess to be any judge of the value of the land, and I would rather confine myself entirely to the construction of the lines.

2476. Are there a great many creeks to be crossed between Shepparton and Murchison?—Yes.

2477. A very great many—a larger number of creeks to be crossed on the eastern than on the western side?—Yes.

2478. Would the blue line, if constructed from Shepparton to Murchison accommodate the settlement on the eastern side?—Certainly not so well as the line on the eastern side.

2479. Would the line on the eastern side accommodate to a greater degree the settlement on the western?—I do not think there would be much difference between the relative accommodation afforded by the two lines to the two sides of the river.

2480. Then it would be as easy to accommodate the eastern settlers of the Goulburn at stations on the blue line between Murchison and Shepparton, as it would be to accommodate the western settlers upon the pink line between Murchison and Shepparton—there would be no difference in that respect?—It appears to me that the blue line passes through a larger amount of alienated land than the pink line does.

2481. But the object in asking you the question is, as to making the roads apart from the making of the railway, as to how roads could be best formed to bring the settlers' produce into the station?—From my slight acquaintance with the country, simply passing over it two or three times, I have no doubt that roads could be made more cheaply and effectively on the western than if on the eastern side of the river.

2482. That is the road into the Eastern Railway station, to a central point between Shepparton and Murchison could be easier constructed from the western than from the eastern side of the railway to a point between Murchison and Shepparton, on the blue line?—The roads could be constructed more conveniently as far as the river, but immediately you cross the river you get into a country that it is difficult to make roads over.

2483. Then do you think that it is difficult in an engineering point of view to make a railway on the eastern side of the Goulburn?—I say it would cost more per mile.

2484. Is it only a question of cost?—Only a question of cost.

2485. There is no engineering difficulty?—There is no engineering difficulty.

2486. Mr. Hardie gave evidence to the Committee that one creek would require 1800 feet of bridging?—That is Mr. Hardie's evidence.
2487. You think there is no difficulty connected with the bridging of the Broken River, creeks, if I may use the phrase, that flow into the Goulburn between Murchison and Seymour?—There is no difficulty in bridging it.
2488. But in estimating the difficulty, you think you have covered it by the gross price you have mentioned to the Committee that it would take to construct the line between Avenel and Shepparton, on the Eastern line?—I have no doubt of it.
2489. *By the Hon. T. T. a'Beckett.*—You have given us estimates of the two lines from your engineering point of view; can you inform us that with reference to the newly devised line, the red line I think it is, the cost is very much alike?—The total cost of the two lines?
2490. Yes, but you seem not to have included in your estimate anything for land?—Yes, I have put down £200 a mile for each line in the absence of any definite information from the Government Valuator.
2491. You have estimated each line at the same per mile?—Yes, at the same per mile.
2492. *By the Hon. W. Campbell.*—Did you hear Mr. Hardie's evidence?—The greater portion of it.
2493. Did you observe that he preferred the terminus to be at a point some six miles to the west of Shepparton?—Yes.
2494. Have you turned your attention to that point?—I have not.
2495. What is the population of Murchison, or what are the prospects of the place?—I do not know. It is a considerable town, I do not know anything of the population, nor can I speak from recollection as to the number of houses.
2496. But it is a prosperous, rising place, is it?—It has that appearance.
2497. Have you ever considered whether a bridge on the west bank of the Goulburn, opposite and near to Murchison, might not equal the expense of a railway bridge at that point?—I have never considered that; I am not quite sure that I quite understand your meaning.
2498. I mean whether, according to Mr. Hardie's opinion, the railway should terminate some distance to the west of Shepparton, and should ultimately be extended to the Murray without crossing the Goulburn at that point?—In that case it would cross the Goulburn once.
2499. It would cross near Murchison, but is there any necessity for re-crossing it at Shepparton?—As I understood Mr. Hardie's evidence he proposed to take the line to a point about six miles west of Shepparton, and thence extending it to the north-west. I do not think he said to Whroo, but I understood him to mean that the line at this point, six miles west of Shepparton, was to branch off one branch to the north-west and the other to Shepparton.
2500. What do you estimate the bridge at Shepparton to cost?—The bridge over the Goulburn?
2501. Yes?—£4800.
2502. More expensive than the upper bridge?—No, the same per foot, 1200 feet; the first crossing, half way between Nagambie and Murchison, I take at a 1000 feet; the bridge across the Goulburn, at Shepparton, I take at 1200 feet, at the same price, £4 per lineal foot.
2503. I presume the river is deeper in one place than at the other?—I have not gone so closely into it as to ascertain that.
2504. Is the bridge constructed on piles?—Yes, timber bridges both of them.
2505. And I suppose the expense varies much in proportion to the depth of the river—if the river is shallow, a pile reaches the bottom easier, and though it may be longer it may be less expensive?—It would not vary in proportion to the height; the upper parts of the structure would be practically the same. It is simply the length of the pile, and that per foot is trifling compared to the cost of the whole structure.
2506. What was the comparison of the cost of bridges on the Eastern line to the cost of the two bridges on the Goulburn, comparing the larger number of bridges on the Eastern line with the two bridges over the Goulburn?—The estimated cost of the water provision for the line on the eastern side of the river is £15,300; the estimated cost of the water provision on the western side of the river is £14,837.
2507. Then the cost, taking the whole distance, embankments and all, is less upon the east than upon the west?—Slightly less.
2508. In consequence of the shorter distance?—Slightly less in consequence of the shorter distance.
2509. And though it costs more per mile, it actually costs less from end to end?—That is it.
2510. I think you say your knowledge in regard to the resources of the country is not sufficient to give a decided opinion in favor of one line over the other?—I would rather not express an opinion in regard to settlement or the value of the land.
2511. *By the Hon. J. A. Wallace.*—Mr. Higinbotham, Mr. Hardie, and yourself, are all of the same opinion with regard to the junction of the line with the North-Eastern line?—I think so.
2512. Can you give us any reason why the line was surveyed to Avenel, when all your opinions appear to be the same to join at the Gravel Pits?—I have not the remotest idea. I was out of the colony at the time.
2513. If there was a line made to the Gravel Pits, would it not save a great deal of expense in taking ballast along the line?—No doubt the ballast would be cheaper.
2514. Therefore, of course, the line would be cheaper in construction?—Yes, slightly. The ballast is only one item, and that is the only item that I can see would be affected by the change.
2515. Which side of the river do you think the Government would have to purchase most land upon to make the line?—I can scarcely speak of that, because I have no plan indicating how much land is alienated upon either side.
2516. Did you ever take the levels of those lines? I understand there is a permanent survey of the blue line, and no permanent survey of the pink line; have you taken the pink line?—Yes, they have been taken.
2517. When they were taken you would have a very good idea of whether you were travelling through purchased land or Government land?—I did not take them.
2518. You do not know which side the Government would have to purchase most land upon?—No; but I assume that they would have to purchase more upon the western side, simply because it is two miles longer, and I have taken the same rate upon both lines.

Robert Watson,
Esq., C.E.,
continued,
25th August 1877.

2519. *By the Hon. Sir C. Sladen.*—From your knowledge of the country, having gone over it, and having made an estimate of the cost of the permanent way of either line, can you form an opinion as to which line would cost most to keep it in efficient repair?—In making the estimates for the two different lines, I assume that they will be made one as good as the other; the maintenance, therefore, apart from the gradual decay of the timber, would be about the same on both lines.

2520. Upon the same style of work, upon either line the cost of repair would be about the same?—About the same.

2521. From the fact of one having to go through a country subject to floods, where there are a great many bridges and raised embankments to keep it above flood level, would there not be more repair required upon that line than upon the other?—No; I assume that extra money is spent upon the construction of the Eastern line to make it as safe from floods as the Western line.

2522. Therefore you do not consider any more cost would be necessary to keep it in repair on the one line than on the other?—No.

2523. *By the Hon. J. Balfour.*—We were told by one witness that the Seven Creeks, in his opinion, would require a very long bridge; what estimate do you make for that bridge?—I have simply taken the number of feet lineal for water provision on the North-Eastern line from Avenel to Benalla. If the Committee desire it, I think I can give the length of that particular bridge. It has eight openings, each 40 feet=320 feet.

2524. Do you believe that that would give sufficient water-way?—Yes. I have assumed that the provision made upon the North-Eastern line—and that is a portion of it—would be sufficient for the line colored pink upon this plan.

2525. *By the Hon. J. Buchanan.*—I think you said that you would prefer starting at a different point from the point that is now proposed for either of those lines?—Yes.

2526. Do you imagine that a better point could be found nearer to Melbourne upon the Melbourne and Murray line?—Not for a Goulburn Valley line.

2527. The questions of the Committee have been all confined to these two lines, but I am of opinion that a better point could be found at the end of the survey from Lancefield, that is, the line at the end of the Lancefield Road that would cut the district nearly into equal parts—nearly bisect it—can you tell the Committee the length of the Lancefield line?—I can only tell them by scaling it upon the map—[*A map was handed to the witness, who scaled the distance accordingly.*]

2528. The length of the Lancefield line from the Murray line to Lancefield. I believe it was included by the late Governments in their proposed railway scheme?—From Lancefield Road to Lancefield is about 18 miles.

2529. There was an estimate of the cost of this line made, do you remember it?—I do not—no.

2530. I think it was about £39,000; could you give the relative position of Lancefield to the two trunk lines now constructed, that is the Melbourne and Murray line and the North-Eastern line?—It appears to be about the same distance square across to either line.

2531. Lancefield is about half way between the two lines?—Yes.

2532. I believe the people of Heathcote have been agitating long for a line too, and the line has been surveyed from Kilmore to Heathcote?—From Kilmore to Heathcote?

2533. Yes?—I think so.

2534. Can you give the length of that line?—From Kilmore to Heathcote is about 32 or 33 miles.

2535. Do you know the distance of Heathcote from Melbourne by road?—I do not.

2536. Can you give the distance from Lancefield to Heathcote?—Lancefield to Heathcote is about 24 or 25 miles.

2537. That makes about 74 or 75 miles in all to Melbourne; now what is the relative position of Heathcote to the two trunk lines already made?—In a straight line it is about midway between the two trunk lines already made, it is rather nearer to the Murray line.

2538. Taking a straight line from Heathcote to Shepparton, passing through Rushworth and Tatura, what would be the distance?—About 56 miles.

2539. It would shorten the distance altogether to Melbourne, make it shorter than the proposed route now by the Goulburn Valley?—I do not think so without scaling it, I think the distance would be rather greater from Shepparton to Melbourne, *via* Heathcote, than it would *via* Avenel.

2540. I believe that if this line is constructed from Avenel to Shepparton it is proposed to construct another line from Shepparton back to Tatura, and six or seven miles on to Heathcote?—I do not know anything of such a promise.

2541. Suppose such is the case, there are four branch lines that might be all made by making a trunk line such is now described?—I am not quite sure that I understand you as to the promise that had been made for taking a line from Shepparton—surely not from Shepparton to Rushworth.

2542. From Shepparton to Tatura and six or seven miles further into the country back towards Heathcote if necessary?—That would not be at all in the direction of Rushworth?

2543. No, taking it back towards Heathcote. One of the other witnesses was asked whether the Goulburn was navigable, do you know?—I think it is only navigable as far as Mooropna, perhaps three or four miles towards the North-Eastern line from Shepparton.

2544. I believe it can be made navigable at a very small cost?—I cannot speak of that.

2545. Supposing a trunk line was tapping the Goulburn at Shepparton, would not this river, if navigable, be a first-rate feeder for the railway?—I am not quite sure whether the railway would not be as good a feeder to the river as the river to the railway.

2546. Shepparton lies immediately between the North-Eastern line and the Melbourne and Murray line?—Nearer to the North-Eastern line.

2547. You think a line on from Shepparton to Heathcote, and from Heathcote to Lancefield would be no shorter?—I think it would be rather longer, it would not make much difference, but I should say the line by Heathcote was, if anything, a little longer, there is scarcely any difference.

2548. The distance from Heathcote I think is given as 70 miles by road?—That I do not know.

2549. And the distance from Shepparton is 113 miles—there would be no expense in this plan, there would be no expensive bridges?—That I cannot say, I do not know the country sufficiently well to say.

The witness withdrew.

W. F. Hardie, Esq., re-called.¹

2550. *By the Hon. H. Cuthbert.*—I understand you wish to make some explanation to the Committee as to some portion of your evidence?—I do.

2551. Will you state to the Chairman what it is?—I would like to rectify a mistake that I made in the bustle of calculation. I took a hundred and twenty openings instead of 20 openings at 15 feet, which makes the actual length of the bridge over the Seven Creeks 300 feet, instead of 1800 feet.

The witness withdrew.

Sherbourne Sheppard, Esq., examined.

2552. *By the Hon. N. Fitzgerald.*—Have you at any time resided in this district?—I have.

2553. For what period?—Seventeen years.

2554. Is it long since you left there?—It is some 14 years.

2555. Have you visited it during that interval?—Once.

2556. During that 17 years that you resided there was that residence continuous?—It was, with the exception of a trip to England.

2557. Which occupied what time?—A couple of years.

2558. You resided there for 15 years?—About that.

2559. The Committee will be very anxious to hear from you a description of the country on each side of the Goulburn River through which these projected railways are designed to pass, commencing at Shepparton, which I presume is the centre of the district where you resided, is it not? First are you better acquainted with the country immediately around Shepparton or immediately round Murchison?—I know all that country perfectly well.

2560. In which district was your home?—Tallagaroopna.

2561. How far from Shepparton?—Six or seven miles. Shepparton was called after me. It was part of my station.

2562. You have heard the evidence of the engineers?—I have.

2563. You know the various streams and creeks that run into the Goulburn?—I do.

2564. Have you seen them at all seasons?—I have.

2565. At what seasons are they in the highest flood?—About October.

2566. Is the flood annual?—The river rises at the time when the snow begins to melt upon the mountains; at that time the Goulburn is at its height.

2567. Take first the eastern side of the river, commencing at Shepparton; the first engineering difficulty is these creeks?—The Broken River.

2568. What do you know of the country round there during those floods?—The ordinary flood covers a good deal of that country.

2569. Will you be kind enough to inform the Committee, speaking not from an engineer's point of view, but as a resident. How much of the land on each side abutting on the Broken River is under water upon that occasion. What height, in your experience, the water rose to, and what altogether would the feasibility of maintaining a line upon that side of the river?—I believe the line would be impolitic. I have known carriers to be obliged to make scaffolding in trees, near the junction of the Broken River, to save their goods from the flood, and we had to take them off in canoes.

2570. Did you see that more than once?—No; but I have seen the country more than once like a sea.

2571. To what depth?—From 20 feet on the low ground of the river near the junction up to 3 or 4 feet.

2572. Now come to that other, the Seven Creeks?—This creek is also a sea of water backed up principally by the Goulburn, independently of the water coming down from the mountain. These creeks are backed up by the Goulburn; it is not the water from the ranges alone that makes the country impassable, but it is the back water from the Goulburn that floods the country when combined with a flood in these creeks.

2573. You heard the evidence of the engineers as to a waterway or bridge of 300 feet, now from your experience of the country and the ordinary rise of water there in ordinary seasons, do you consider a bridge of 300 feet sufficient to allow a waterway for that volume of water that you have seen?—I believe not. I believe, further, that if the engineers had seen the country in its ordinary winter state they would never have put a line there.

2574. The evidence is that the engineers saw it in the month of July, is that the month in which the ordinary winter state of the river is seen?—No.

2575. What is the month?—About September and October.

2576. Now turn to the western side of the river, do you know it?—I do, well.

2577. Are there any creeks?—There is no creek to speak of till you come to the Sandy Creek, farther up from the other side of Murchison.

2578. Do you know anything of the soil on the western side of the river?—Fine agricultural soil.

2579. How far down?—The whole lie of that country is agricultural soil.

2580. And on the eastern side, what is your opinion of the character of the soil?—Below Noorilim, very poor.

2581. How far is that from Shepparton?—I should think about fifteen miles or so.

2582. You say that the soil for fifteen miles south from Shepparton is very good?—No, poor between Noorilim and the Broken River, or at least the Seven Creeks. We used to call it in old times the Dismal Creek.

2583. How far is that from Noorilim to Shepparton?—Fifteen to twenty miles.

2584. Is the country between that and Shepparton of a good agricultural character?—No, poor to the Seven Creeks.

2585. I understand you to say that the country below Noorilim is of a very inferior character?—Yes; down the river the country alters. It is a better country between Shepparton and the Seven Creeks.

2586. From your knowledge of this country, would the convenience of a railway so alter the character of the country as to make it an advantageous place for settlement?—I believe it would be disappointing to the people in that country to make that railway.

W. F. Hardie,
Esq.,
28th August 1877.

S. Sheppard, Esq.,
28th August 1877.

S. Sheppard, Esq.,
continued,
25th August 1877.

2587. What is the nature of the soil, is it volcanic?—No, it is a poor clayey spewy kind of soil—crab-holes; a whitish kind of poor soil.
2588. To what length from the river or the creeks do these inundations that you describe extend?—Three or four miles up.
2569. Back from the river or from each creek?—Back from the river running up the creek.
2590. Would these inundations in any way interfere with the agricultural settlement there?—I think they would.
2591. Are they of frequent occurrence?—They are.
2592. Over the whole country—No, only for three or four miles.
2593. Now turning to the bank of the river, are the banks very low?—They are low. The Goulburn is a peculiar stream; as a general rule it has a high bank on the eastern side and a low one on the western, or a high bank on the western side and a low bank on the eastern.
2594. You heard the evidence of the engineers about the average height of embankment from Murchison to Shepparton along the spewy land that you describe—three feet—would that, from your knowledge of the country, be sufficient to place the permanent way beyond flood level?—I think not.
2595. How much more would be necessary?—Several more feet—the country rises and falls. There are little banks running along there, but taking the general average of the country through the lagoons it would not be sufficient or nearly sufficient.
2596. You have been so long absent that you are not familiar with the settlement?—No, except from hearing of it, and from maps, and taking an interest in the country.
2597. You know the character of the soil?—Yes.
2598. Have you been at Rushworth?—I have.
2599. Lately?—No.
2600. Within the last ten years?—No.
2601. You do not know, from your own knowledge, whether there is any land reserved west of Murchison for mining purposes?—I believe so.
2602. Are there antimony mines?—Yes, and gold mines.
2603. Are the antimony mines extensive?—I believe so.
2604. Are they an important industry as regards the town of Murchison?—I do not know.
2605. Will you be kind enough to inform the Committee generally which of these routes, having seen the map, you think (admitting that the expense is the same, and there is very little difference in the distance, only two miles) would from the character of the country be most advantageous for the public interest?—On the west bank, for the public at large.
2606. Will you give us your reasons?—I think it goes through a much better country, a much finer country, and would accommodate the people much better. The other line goes close along the bank of the river, can only benefit the settlers on but one side of the line; the difficulty of travelling the country in the winter with these creeks intersecting it is almost insuperable. It is almost impossible for the people along the Broken River and the Seven Creeks to cross at flood time of the year, and that makes it very difficult of access to the eastern line.
2607. Do you think therefore that the Western line is the one that you would recommend this House to adopt?—I would, of those two lines.
2608. *By the Hon. J. Balfour.*—You say that you were seventeen years in that district?—Yes.
2609. And personally travelled over it?—Yes, for four years I travelled down the eastern side of the river, for in the early years there was no means of crossing till you got to Seymour. I had per force to keep on the eastern side, and in flood time to cross in bark canoes, and carry my goods down the Goulburn in bark canoes, and cut trees and make bridges of them till punts were built below Broken River, and then I always came down the west side of the river.
2610. If it had been possible for you to cross to the west side would you have had those difficulties?—No; I have been caught in floods on eastern side; had to get blacks to cut canoes, cross the river and follow west side to below Broken River, and then re-cross in canoes to eastern side.
2611. I gather from your statement that the land upon the eastern side is very inferior?—It is.
2612. Is it land that would be likely to be settled upon even with the influence of a railway?—I do not think so.
2613. Is ballast, from your knowledge of the country, to be obtained on the eastern side of the river?—I never saw a stone there below Noorilim.
2614. Is there stone upon the western side?—There is up towards Waranga way.
2615. Is it good stone, do you know?—I do not know.
2616. One engineer told us he had formed his estimates of the Eastern line with regard to the provision for the water upon the North-Eastern line, and he informed us that he made no provision for the gathering ground between the North-Eastern and the Eastern lines, and he gives reasons for it. Can you tell us, in connection with that answer of yours as to back-water, whether you think there would be sufficient provision for water-way upon the Eastern line, taking the North-Eastern line as the guide?—I think the surveyor's opinion was quite correct, as far as his knowledge went, but he did not take into account the back-water from the Goulburn, of which he had no information.
2617. You think the back-water of the Goulburn is quite distinct from the rise of the creeks?—It is.
2618. And the provision for water-way would not be sufficiently estimated if that were not taken into account?—Not sufficiently estimated.
2619. Do you know anything of the flood levels?—I cannot say the flood levels exactly, except that in a high flood the Goulburn runs for an extent I should say of a mile and a half in a strong stream independent of its usual course, that is, taking the bend opposite Shepparton, there is a mile and a half of running water, and the same in the other parts of the river wherever there is a low bank. That is the case of the flooded parts; where there is a high bank it throws the water upon the low land. The people who have seen a flood in the Yarra at the time it went across to the highland at the other side of Prince's Bridge have seen just such a flood as an ordinary flood of the Goulburn.
2620. And in no part of the Western line shown upon the plan is there any back-water except in the time of flood?—No, in no part, except at the Broken River, close to Shepparton.
2621. From your practical knowledge of the country, do you imagine that three feet of earthwork would be sufficient for the Eastern line to protect it from floods?—I should fancy not.

2622. *By the Hon. W. Wilson.*—It appears from the evidence you have furnished the Committee with, that you have considerable experience of the character of the country on the eastern side of the Goulburn?—I was seventeen years there; in the early days I took up the country there. S. Sheppard, Esq.,
continued,
28th August 1877.

2623. You have formed a very poor estimate of the quality of the country on the eastern side about Shepparton?—I did not say about Shepparton. I said from the Seven Creeks towards Noorilim. I excepted the other part.

2624. What distance is that from the Seven Creeks?—About 15 miles.

2625. Of bad country?—Bad country—poor country.

2626. From your knowledge of the country, when you resided there, do not you think it a mistake to give Shepparton a railway at all?—No I do not, I think Shepparton is the centre for the Corop, and all the country there, which is magnificent country.

2627. Why go to Shepparton when that magnificent country is on the other side of the Goulburn?—No, it is in a straight line.

2628. You require to cross the Goulburn to reach Shepparton from Corop?—I mean about the Major and Dookie.

2629. What is the distance of Benalla from the Major?—I think a line from Shepparton would reach that country better than a line from Benalla.

2630. Would it not answer the country you speak of to run a line from Benalla to Shepparton, and not cross the creeks at all?—Yes, it might.

2631. It would satisfy the selectors along the route better?—Yes; but it will be done by and bye no doubt.

2632. You know the route which they propose to take with the red line as laid down upon the map?—I do.

2633. Does that hug the Goulburn so close that it would come within the flood water?—I think it does from this map here.

2634. It is the back water of the Goulburn River that you fear most, not the flood from the Broken River?—I say that the increase of the volume of water is so very much increased when both are at flood.

2635. It is the back water from the Goulburn?—It is the back water from the Goulburn that increases these floods.

2636. Then there will be no current?—No, not much.

2637. The embankments would not suffer if they were high enough from the current?—I think not.

2638. It would be simply a level flow of water?—Yes.

2639. Have you any knowledge of the settlement there?—Not except from the map.

2640. Is the western side pretty level country?—It is.

2641. Are they bold banks, nothing more, no ranges that would interfere?—Not much, I think, a rolling but in general level country.

2642. Is it in your opinion much easier of construction?—I think so.

2643. According to the map that we have here the settlement along the valley of the river is marked blue?—Yes.

2644. At Shepparton there is more actual blue settlement on the eastern than on the western side round Shepparton?—Certainly.

2645. How do you account for that, if the land is so inferior?—I did not say it was so inferior round Shepparton. I took my start from the Seven Creeks.

2646. It appears from the route of the pink line marked upon this map that it goes through the centre of settlement—country that is settled. Surely the Government would not allow people to take up land that?—I should like to see the map please.

2647. Yes—[*handing the same to the witness*]. You have a map there furnished by the Government pointing out settlements—the blue is what has been recently taken up by settlement. You can see that from Murchison almost up to Shepparton the railway runs almost in the centre of blue settlement?—Quite the contrary; by this map the country is thinly settled.

2648. I talk of the course that the railway takes as marked there?—The poor country I spoke of is unsettled, according to this map.

2649. You say that the line itself, the pink line, would be in many places twenty feet under water, and yet along the whole route there is settlement marked there?—Yes, there is settlement marked there, but I do not say that in many places it would be twenty feet under water.

2650. Surely then the country must have changed since you knew it, or else the Government have perpetrated a great wrong in settling the people upon land that they are not acquainted with?—There is a considerable amount of white here.

2651. I do not refer to white out from the railway, but across; upon the railway there is hardly half a mile there without blue; from Murchison up to Shepparton the line touches blue all the way?—Still there is a great deal of white here along the river.

2652. I simply ask which is the shortest route. You see the map there?—Yes.

2653. You see the line there touches settlement all the way?—Yes.

2654. Which, in your opinion, ought not to be permitted?—I do not say so.

2655. According to your knowledge of the flooding of the country, a very large number of the farmers must be twenty feet under water some day?—No; from three to four feet, part of it; I think these white parts here are the deep parts I alluded to.

2656. It is possible, from an engineering point of view, to secure a higher track out of the flood-mark that would enable them to construct a railway without contending with these difficulties?—There I agree with you perfectly.

2657. Then you would not place your evidence as to the feasibility of constructing the road on that side as against professional skill?—I would not if the line were further to the eastward.

2658. *By the Hon. T. J. Sumner.*—I think I recollect seeing you up there some thirty-five years ago as a resident on the banks of the river?—Yes.

2659. You will have in your mind, as I have had in my mind, I dare say, the fact of the rise and fall of the Goulburn in consequence of the upper water affecting the level of the water upon the eastern bank of the river?—Yes.

S. Sheppard, Esq.,
continued,
28th August 1877.

2660. I should like to know whether it is correct or not, within your memory, that men have had to get on the tops of the houses to save their lives and property?—I have had to do so myself.
2661. *By the Hon. F. S. Dobson.*—Can you tell to what extent eastwards of the eastern line, the pink line, the good land extends?—In what part of the country?
2662. Say between Murchison and Shepparton?—Between the Broken River and Seven Creeks and along the banks of the Broken River the land is fair good land.
2663. How far along the river?—It extends all the way up the river, along the banks of the Broken River.
2664. Which would be the greater depth of settlement do you think, along the eastern or western bank, or rather which has the greater extent of good land?—I think the good land extends up the Broken River till it comes to some ranges near the Benalla station, and even then it is good land; the whole is good land, but I think the proportion of bad land is more perhaps on the Shepparton side than on the other. On the other side it is pretty uniform, but there are patches of poor country, that is on the Shepparton side.
2665. I believe it is a fact that the whole of the land has been reserved for gold-digging purposes; settlement has not been allowed to take place?—It has not.
2666. *By the Hon. H. Cuthbert.*—Did I understand you to say that you knew the ground thoroughly well, both upon the east and west side?—I have known it. I am acquainted with it thoroughly.
2667. How many years is it since you have been up there?—Fourteen years.
2668. And you have not seen it during the last fourteen years?—I have seen it once.
2669. How many years since?—About ten or eleven years ago.
2670. Since that time you do not know what changes have taken place in the way of settlement, or anything else?—No; except from the maps.
2671. Were you one of the early settlers?—I was the first settler there, I took up the country.
2672. During the last eleven years, may I ask, what has been your occupation; have you been a squatter?—No, I have not.
2673. What has been your occupation?—I have been a stock and share broker.
2674. Were you here when Mr. Higinbotham gave his evidence, and Mr. Watson?—I was.
2675. Did you hear Mr. Watson say that he thought it quite possible to construct a line upon the eastern side of the river, and make it safe and secure by raising an embankment some three feet high on an average; of course there may be some little places higher. You heard that evidence?—I did.
2676. Can you say that the embankment ought to be raised some 20 feet?—No, I never said so.
2677. I thought there was a depth of water in several places along the bank of the river, and that it would require 20 feet filling up to get rid of this?—No, I did not say so.
2678. What did you mean about the 20 feet of water?—About the Broken River.
2679. Just confined to the Broken River, was it?—The Broken River and towards the Seven Creeks.
2680. Just in the immediate vicinity of the river and the creeks?—Yes. Just there is where the deep water is. I said the other was covered a depth of three or four feet.
2681. Then starting from Avenel about half that distance there is really no difference whether you construct it east or west?—No, I think not.
2682. Then, in your opinion, it would be a safer line to construct about half way on the western side than on the eastern?—I think so; I do not know any better place for the railway to cross the river than where it crosses according to this plan.
2683. Do you think it well to cross the river twice, to have two bridges across there; do not you think it an objection to the western side?—I cannot see that it is.
2684. Do you think it is an objection to it running it for six miles through the estate of one gentleman?—That is a matter of opinion.
2685. Do you think it is an objection to it?—I think that, perhaps, regarding the public, taking it as the greatest benefit to the greatest number, it is an objection.

The witness withdrew.

Patrick Hanna, Esquire, examined.

P. Hanna, Esq.,
28th August 1877.

2686. *By the Hon. Sir C. Sladen.*—I believe you are well acquainted with the country adjacent to the Goulburn Valley?—Yes.
2687. You have represented the county in Parliament?—I represented the Murray Boroughs.
2688. That borders upon this?—Well, the railway starts from Avenel the third town of the boroughs when they did exist.
2689. Therefore you have had occasion to study it pretty closely?—Yes, I know the country very well.
2690. Do you know the country very well on both sides of the Goulburn Valley?—Yes.
2691. You know one side as well as the other?—Yes.
2692. You have seen this map with the colored marks upon it?—I see it now. I saw it this afternoon for the first time.
2693. Independently of the coloring upon this map, do you know pretty well how the country is settled?—Yes, I do.
2694. You know pretty well where the mass of selection has taken place of late years?—Yes.
2695. Where is the principal population to be benefited by the Goulburn Valley railway line?—The principal is in a radius of about twenty miles round Shepparton or Mooroopna as the centre of settlement in the district, because it is the best land and was first taken up on both sides of the river.
2696. Therefore Shepparton you think is about the focus?—Yes.
2697. Do you know Murchison?—Yes, very well.
2698. Is there much population about Murchison?—There is a good deal of population about Murchison.
2699. On both sides of the river?—Yes, on both sides of the river; not quite so densely populated as Mooroopna and Shepparton.
2700. Which side of the Goulburn River is the largest quantity of land selected on—on the east or the west side?—As far as Murchison it is old settlement, and is pretty well all purchased.

2701. Where is that?—From Avenel to Murchison is pretty well all old settlement, and pretty well all purchased, under the Land Act 1869. The west side was pretty well first taken up—that is, the Murchison side; and subsequently, after the North-Eastern line was opened, settlement began to take place on the Moira side—that is the Shepparton side; and I presume those who came first took the best of the land that was most cleared of timber. P. Hanna, Esq.,
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2702. Is there much produce from Moira that comes upon the Goulburn?—From Moira?

2703. Yes?—There is a good deal of produce from the county of Moira that comes to Avenel, Euroa, Longwood, Violet Town, and Benalla.

2704. By the Goulburn?—The three-chain road which goes down the Goulburn Valley is very badly cut up immediately after harvest, and everybody makes to the stations upon the North-Eastern line the best way they can.

2705. What is the point upon the North-Eastern line that the people settled between the Goulburn and the Murray would make?—There are three stations; Avenel is the principal one.

2706. Avenel will be one of the furthest distant, will it not?—No, I do not think so.

2707. Which way does the traffic come to Avenel?—The people from Kialla and Arcadia—Kialla East and Arcadia East—go to Longwood and to Euroa. I do not know whether the parishes are upon that map or not; but indeed the roads are very bad.

2708. Would the traffic at either one of those stations be an indication of the country from which it comes?—Well, it might give an idea; but the traffic last year would be nothing to what the traffic will be this year, because there is more ground under cultivation this year than there was last year, and it has been increasing from 1872 up to this date.

2709. Does the traffic from what is called the county of Moira, from the settled country, come down the east or the west side of the Goulburn?—They come down the east side, or rather come up the east side.

2710. Therefore all the traffic at Euroa and Longwood would represent traffic from the eastern side of the Goulburn Valley?—I could not say that exactly, for the produce from the other side gets mixed at Murchison; the produce from Rodney and the western side, as you call it, gets mixed at Murchison, and each farmer makes the best road he can with a view to get to the railway station upon the North-Eastern line.

2711. Are the roads very good upon the eastern side?—Indeed they are not; they are very bad.

2712. Are they as good as they are upon the western side?—I do not think they are, because it is a different soil—it is a rich chocolate soil on the western side, and a kind of black alluvial soil upon the eastern side, and it is more likely to cut up in the dry weather into dust, and in the wet weather into mud; there is no possibility of getting through it.

2713. Then traffic from the western side would not be likely to come into Euroa or Longwood?—No.

2714. That is what I asked; would the traffic of Euroa and Longwood represent principally the eastern side of the Goulburn?—No, it would not, because the traffic gets mixed from both sides at Murchison, and comes up the road by Nagambie to Avenel.

2715. But, if the road is bad upon each side, why do the western people come to Euroa?—Because, after you pass Murchison, there is no good road at all; you have to cross the Murchison bridge and come to the eastern side.

2716. The traffic does cross the bridge and come to the North-Eastern line at those points?—Yes, they must come across, because there is no other mode of getting to the North-Eastern line upon the west until you come to Seymour.

2717. Can you give the Committee any information as to how the population is distributed on either side of the Goulburn Valley?—Yes; according to the electoral roll, which is a very fair way of getting at the population, Mooropna division runs from about eight miles down below Mooropna, across to near Rochester, then comes up by Lake Corop, and comes in by the boundary by North Murchison; that comprehends 700 electors. The Rushworth division comprises 600 electors.

2718. Where is Rushworth?—[*The witness produced a plan.*]—I have just sketched roughly upon this plan to-day from the Act; if you like I will give you a tracing of it, and I took the number of electors off the roll of the two divisions.

2719. The two divisions are Mooropna and Rushworth divisions?—Yes, but the Mooropna division goes pretty well across to the Mount Alexander railway—it goes twenty-four miles.

2720. Could you tell me how near the western line of the Mooropna division is to the Echuca line?—It runs within about six miles of the Echuca line.

2721. And what is the distance from Mooropna to Rochester?—Thirty miles.

2722. Therefore the Mooropna division takes in twenty-four miles west of the Goulburn?—Yes.

2723. How many electors are there there do you say?—Seven hundred and seventy-one, and Rushworth has six hundred.

2724. Could you point out where Rushworth goes west—how far west of the Goulburn Valley does it run to the Echuca line?—It runs as far as William Winter's estate; it is just drawn roughly upon there; it is cut out along the River Goulburn.

2725. Then this is Rushworth down here—[*pointing to the plan*]—Yes.

2726. Rushworth takes in Waranga and Moira?—Yes.

2727. What do you say the electorate there is?—1350 in the two divisions.

2728. I notice in the Rushworth division there is very little colored blue upon the map, indicating land that has been selected?—There are miners living there.

2729. The population is miners principally, is it?—I dare say there is a fair population there, but they are pretty well all mining.

2730. Because there is a remarkable absence of blue, which is all I wish to draw your attention to?—I observe that land is not fit for cultivation, not much of it at any rate in the Rushworth division.

2731. And do those two divisions take all the settled land on the west of the Goulburn Valley?—It takes in more than what—I allow 1300 settlers—farmers would avail themselves of a line of railway from Avenel to Shepparton.

2732. On the west side?—On the west side.

2733. What division joins Rushworth to the west?—Dalhousie joins Rushworth division; it includes the Coy Diggings and different places round there.

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2734. Do you know how far Rushworth extends from the west?—It comes a long way south of Murchison.

2734A. From Murchison?—It comes about twelve miles south of Murchison.

2735. But then as I follow this plan which you have given to me, the Mooroopna division does not come nearly so far west as you stated?—It comes to about where your finger is.

2736. It does not appear to?—It goes to Lake Corop; Lake Corop is the boundary of it.

2737. It does not appear on this map?—I think so.

2738. I should like you very much to point out where the division is, for it appears only to go half-way?—[*The witness explained the geography upon the map.*]

2739. I think you must have made a mistake just now in what you said in answer to a question of mine. I wanted to know how near the Mooroopna division went to Rochester, and I understood you to say within six miles?—I made a mistake then.

2740. You must have made a great mistake, because judging from the map it only appears to go half way between the Echuca railway and the Goulburn river?—Yes; I will tell you exactly the distance if you will allow me to see the map; but I made no mistake as to the number of electors in the division.

2741. But instead of extending 24 miles that way, with an electorate of 700, it only extends half way across. Taking your evidence as it was before, it would have appeared that this country, though all selected, still had a very scattered population, inasmuch as Mooroopna, approaching within seven miles of Rochester, had only 700 electors?—Yes, but I was correct as to the electors; it was Rushworth division that was in my mind's eye when I spoke; it comes over to Lake Corop.

2742. From what distance do the settled population, between the Echuca line and the Goulburn Valley, take their produce to the stations on the Echuca line?—I do not know anything at all about that part of the country. I have no business in that part of the world, and of course I could not say.

2743. Could you say from what distance they bring it towards Murchison and the North-Eastern line?—The North-Eastern line is their only outlet now, their shortest outlet.

2744. What would be the distance of the extreme western boundary of Mooroopna division from the nearest point on the North-Eastern line?—From Avenel to about the extreme point, would be about 55 miles—the Mooroopna division; but I trust that the line would never stop eventually at either Mooroopna or Shepparton, but would go on to the banks of the Murray.

2745. But that is as far as we propose to go now, I believe?—Yes.

2746. But the population at present in Mooroopna division are really in point of fact nearer to Echuca line than they are to Avenel?—As far as the northern portion of Rodney is concerned it is all selected. There is no more room for selection there at all events.

2747. But the Mooroopna division generally—you say the Mooroopna division are nearer, are they not, to the Echuca line than they would be to Avenel?—I know there is a very large trade done in flour and grain at Rochester, for many people have trade in Riverina from the northern portion of Rodney.

2748. I assume that you are well acquainted with all the circumstances of the population on both sides of the Goulburn, and I want to ascertain from you where, at the present time, the settlers on the different portions of this map take their produce to?—I am not positive where the western portion of Rodney take it to, but I fancy to Rochester and Echuca, because there is very extensive milling power there, and at Sandhurst also.

2749. Taking Mooroopna and the country immediately opposite on the east side of the river to the east of Shepparton, which has the larger population, the Mooroopna division or the division on the Shepparton side?—The Shepparton side.

2750. Within what space—is there any electoral division corresponding to the Mooroopna division on the east side?—The electoral divisions are not all the same size and contour.

2751. Could you give any idea?—That map would not show the eastern side of the Goulburn.

2752. But when you are comparing the population on the east side of the Goulburn with that in the Mooroopna division, what tract of country do you take for the purpose of your comparison?—I take a radius of 20 miles.

2753. What is the length and breadth of the Mooroopna division?—It is about 15 miles square.

2754. Then if you take a radius of 20 miles from the Shepparton side, you will of course comprise a larger area than is in the Mooroopna division for the purpose of comparison, you must have some definite ideas?—Taking a radius of 20 miles round Shepparton, I go out of the Shepparton division, I go into Moira division and into the Dookie division. Dookie and Moira and Shepparton, are as you may say, all one farming colony, but I would not go so far north as that for a radius.

2755. So far as the comparison on the map is concerned, you do not find that there is so much white left on the west side as there is on the east side. Can you account for that when you say the population is more numerous on the east side than on the west side?—I think the map does not exactly give the population; but I see Mr. Nixon here, who will be able to give you that more definitely than I shall. He is the district surveyor, and he will be able to tell you exactly how that occurs. But there are some reserves there called State forests, reserves on the banks of the Goulburn, and also on the banks of the Murray, that no selectors are allowed to touch just yet. They are timber reserves.

2756. Is it your impression that more produce would be brought into Shepparton from the east side of the Goulburn than from the west side?—Yes, there is no doubt about it.

2757. And what inference do you make from that?—The inference I draw from that, and the view I arrive at is this, that since 1872 I have always kept the agricultural statistics very carefully of all the counties in Victoria for my own information, and they do come in to my assistance occasionally; and I find that in 1874 Rodney was double the quantity of agriculture that there was in Moira.

2758. Is Rodney to the west of the Goulburn?—Yes, Rodney is to the west of the Goulburn, and I find that there is very little difference in them this year.

2759. You find that there is very little difference between Rodney and Moira?—Yes.

2760. How does that all seem to lead to the idea that you seem to have, that the population is more numerous upon the east than upon the west side?—The west side was not so heavily timbered as the east side, and it was much easier cleared, and there were better roads, and when people go to select I fancy they consider all those conveniences; but now the whole of Rodney north of Mooroopna is all selected, excepting those reserves that I allude to.

2761. And since that has been selected the land on the east of the river has been taken up?—Yes. P. Hanna, Esq.
 2762. And the population now is settling thickly upon this, is it?—Yes; the population is going in that direction now. *continued,*
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2763. Is it an increasing population now?—The last land Board at Benalla there were two hundred and forty cases, the first Tuesday of this month. Two hundred and forty selectors selected land in Moira, north of Shepparton and north of Dookie, that was in one month alone. Of course Mr. Nixon can give you more distinct details than I can do upon that point.

2764. If there is this large population on the east side of the Goulburn, and they bring their produce to Shepparton, will they be benefited by one line more than the other line, now projected. You know that there is a line projected upon the east side, and one on the west side, would it matter to the farmers and those who bring their produce there which way their produce is brought to Melbourne?—It is a matter of two miles and three-quarters of extra carriage.

2765. Is that the difference?—That is the difference.

2766. And if that two miles and a quarter were in favor of the western side, the western side would equally benefit those on the eastern side?—No, I could not say that.

2767. I understood you to say that it was the two miles and a quarter that turned the scale?—I say the farmers and selectors north of Shepparton would have to pay freight upon their produce two miles and three-quarters by going Tatura way than if they go straight.

2768. Now supposing we get south of Shepparton and higher up the river, is the population as thick on the east side of the river, opposite to Murchison, as it is upon the west?—There is not much difference, because the land west of Murchison is not the best in quality; and the land on the east of Murchison, on the east side, is very heavily timbered with box and gum, which is very expensive to clear, and I think that is the reason why the land is not settled and taken up long ago.

2769. Is it good land?—Very; it is very good land.

2770. On that part opposite to Murchison?—Yes, east of Murchison.

2771. It is very good land, is it?—Yes, it is very good land when cleared.

2772. Is it not liable to be flooded in the winter?—No.

2773. Is there not a portion of this valley which is liable to be flooded?—No, not to my knowledge; and I saw the flood in 1863, and I saw the flood in 1870 there, and I saw the creeks, the Pranjip Creek, and Crighton's Creek, and Little Pranjip Creek, and Castle Creek, and all join Muddy Creek at Muddy Creek bridge.

2774. Is that where the flood breaks out the most?—No; I never have seen any flood there excepting in winter time when the three-chain road had no bridges upon it; it is very difficult to get along, no question about it; but now it is all bridged, the three-chain road from Muddy Creek to Shepparton; the bridge over Broken Creek is just about finished.

2775. Did you hear Mr. Sheppard's evidence?—I did.

2776. Have you had any experience of such floods as he alluded to in October?—No, not the slightest; it put me very much in mind of the story about Rip Van Winkle.

2777. *By the Hon. F. S. Dobson.*—It was untrue?—Not the slightest doubt.

2778. His story was untrue?—Anybody that knows anything about the country will know that it was a most extraordinary statement that he made.

2779. *By the Hon. Sir. C. Staden.*—Probably the climate has changed since he had his sleep?—I dare say when the country was heavily timbered, and there was dead timber in the Goulburn and heavy floods came down, in all probability the Goulburn was more heavily flooded; but that has all gone now.

2780. Do you know the present crossing place at Murchison?—It is a bridge—a good bridge.

2781. Do you know the line colored red on the east side?—Yes.

2782. You know how it passes Murchison a distance from the river?—It runs within a mile and three quarters, because there is a deviation in the Act that permits the engineer to set out the line as near the Murchison bridge as he thinks proper.

2783. Would there be in your experience any difficulty in getting from Murchison if there were a station there—in getting there at all times of the year?—No doubt the flood overflows all the low ground at the end of the Murchison bridge by the hotel; but it is very seldom, only once in three or four years.

2784. If the red line were carried out would that be the point where there would be a station for the convenience of Murchison?—I think a station ought to be there.

2785. Murchison is a very important place?—Yes, it is getting so.

2786. You think there would be some difficulty in making a station there for Murchison?—I do not see it; not the slightest.

2787. You think a road can be made there that would defy the flood?—Yes; put a few wooden culverts or what you call a viaduct if people were frightened about the flood; but I never heard much complaint about it. There used to be a punt there before the bridge was erected; but since that time I have heard no complaint, and there was a very heavy flood in 1870. I dare say the flood was five feet or six feet there between the three-chain road and Murchison bridge.

2788. How long did that last?—It lasted about seven or eight days.

2789. About six feet deep?—About five or six feet deep.

2790. Was that an unusual occurrence?—Yes; that was a very unusual flood in 1870.

2791. Would the population to the south and east of Murchison on the east side of the Goulburn be able to avail themselves usually throughout the year of the North-Eastern line of railway for taking away their produce?—Rushworth is south of Murchison and Warranga.

2792. No; south-east, not south-west?—It is more south than south-west.

2793. I am speaking now of the population which is on the east side of the Goulburn Valley to the south of Murchison?—On the east side of the Goulburn?

2794. Yes?—I fancy there would be another station at Booker's, that is, about five miles south of Murchison.

2795. No. I am speaking now of the accommodation which the North-Eastern railway affords at the present time to the population which is settled upon the east bank of the Goulburn?—The North-Eastern line accommodates the people as far as Tabilk and to Nagambie.

2796. I am now speaking of that tract of country which is in the bend of the river opposite to Murchison, on the east side of the Goulburn Valley. There appears to be a good large settlement there?—Yes.

2797. Is the North-Eastern line within their reach—is it accessible to that part of the country for taking away their produce?—It is accessible under the disadvantages I have previously alluded to—bad roads.

2798. Will you inform the Committee what the disadvantages are, for that is what we want to find out?—It is twenty miles of very bad road to Avenel; there is so much traffic upon it.

2799. What about Euroa and Longwood?—The people there would not think of going to Euroa.

2800. Why?—Because the road is a very bad road. There is no road, in fact, it is bush, and the creeks are not bridged.

2801. Is it the same to Longwood?—Just the same.

2802. What is the reason of that bad road now?—It is a dense forest there of box and gum.

2803. Is it good land?—It is very good land if it was cleared, but it would take enormous money to clear it.

2804. Is it usually the case of a box forest that the land is good?—After the land is cleared it generally bears very fine crops.

2805. Knowing the country, and knowing the populations on both sides, which line is calculated to serve the greatest number of people?—There is not much difference in that, but anything there is, it is on the east side to my mind.

2806. You think the eastern has rather the advantage?—Yes.

2807. The eastern is rather the shortest?—Yes.

2808. You therefore think that upon those two grounds the eastern is the better line?—Yes.

2809. Have you any statistical information which you could assist the Committee with in arriving at the opinion which you seem to have arrived at?—The vast quantity of land now under crop north of Shepparton; those people will have no convenience till the railway is made to get it to market, and I think that the railway will fix the people upon that land, and I do hope that there will be a line between Shepparton and Rochester; it would go through the centre of that vast settlement, and enable the people there to avail themselves of the market in the western country; it is a line very easily made.

2810. It is a line not likely to be made very soon, I suppose?—I do not know that.

2811. You have been addressing yourself principally now to the settlement to the north of Shepparton?—Yes.

2812. Will any of the settlement to the east of Shepparton be affected by this line?—No; the Dookie traffic will all come to Shepparton and Pine Lodge.

2813. I mean considerably further to the east marked upon the map as Dookie?—The Dookie traffic will come to Shepparton, most of it.

2814. Will it be benefited by the Shepparton line?—Yes.

2815. It seems to be quite as near to the North-Eastern line?—Dookie is 25 miles from Benalla.

2816. Are the roads good in the direction of Benalla?—They are making them.

2817. Are they better than the line of road you described from Murchison to Euroa?—Yes; there are no roads to Euroa at all, it is tracks; you get to it the best way you can.

2818. There seems to be a large settled population in Dookie, all the way to Benalla. That seems to have been the reason for making the roads?—Yes; but still the North-Eastern line gets all the traffic.

2819. Are you aware what the distance is between the red line of railway and the North-Eastern line, upon the average between Avenel and Shepparton?—From Shepparton to Violettown is 38 miles.

2820. Is that east of Euroa?—It is east of Euroa.

2821. How many miles?—About 37 or 38 miles.

2822. And how far from Nagambie to Avenel?—Nine miles.

2823. Then will the mean between 9 and 38 represent the average distance?—They do not come the same track at all; people coming to Violettown would not think of coming that way.

2824. That is not the question I ask. I ask, what is the average distance of the country along the Goulburn Valley, from the North-Eastern line, and you tell me that from Shepparton to Violettown is 38 miles, which is at the base, as it were, of the triangle, and you say that Nagambie is about 9 miles from Avenel, therefore I take it that the mean between 9 and 38 will represent the average distance of this country from the North-Eastern line?—This—[*producing a map*]—is a map upon a half-inch scale. I can give you the exact distances if you like.

2825. If you please, I will be glad if you will give me the exact distance?—I made a mistake in the exact distance from Shepparton to Violettown.

2826. What is that difference?—It is 28 miles, not 38, that is, as the crow flies.

2827. I suppose that is the only way we can get at it now?—Yes.

2828. Then we will take the line of the crow for the present, please, for the sake of comparison. I only make it out to be 24, but perhaps the maps differ?—It is 28 miles.

2829. And now the distance from Nagambie to Avenel?—That is 9 miles.

2830. Then the mean between 9 and 28 would be the average distance of the Goulburn valley to the east of the Goulburn, from the North-Eastern line?—

2831. Now what will that be? Will not that be 18 miles?—It will be more.

2832. I take it that if one is 9 and the other 28, that is 37, and half 37 is about 18?—Nagambie is up in a corner pretty well.

2833. I am quite aware of that; but I want to get at the general idea. Is not the line along the Goulburn Valley, on the east side, on an average between 18 and 20 miles from the North-Eastern line. Is that so?—Yes, as the crow flies.

2834. I ask you to make use of your rule upon the other side of the line, and tell me what is the average distance from Mooropna, Rushworth, and the Echuca line of railway?—I could not say that Rushworth has any share in the Mount Alexander railway at all; they would be compelled to come by this line.

2835. That is what I want to know; as you know the outlines of these divisions better than I do, I shall be glad if you can tell me what is the average distance of the Goulburn Valley, on the west side of the Goulburn, from the Echuca line?—This map does not give it.

2836. It seems very simple; would not the rule give it upon the one side just as upon the other. What is the difference between Shepparton and Rochester?—About 40 miles; this map does not show the Echuca line exactly.

2837. Then will you accept my measurement. I have a rule here 2 feet long, and this map is 2 miles to 1 inch, and I find that from Rochester to Shepparton is just about 18 inches—there are more than 18 inches—that makes 36 miles. Now I will take from Murchison. I just want to find out how the country is served for railways at the present time. I find that upon the east side the population from Shepparton to Avenel is at an average distance of 18 miles from the North-Eastern line. Now I want to find out how far the people are on the western side, and I find that from Shepparton to Rochester is 36 miles, and from Murchison to the Echuca line is just about the same distance?—But it is very heavy country to the west.

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2838. Therefore the average distance of the people settled upon the west side of the Goulburn Valley is greater from accommodation than it is upon the east?—Yes; but you are leaving out altogether the dense population settled down there in Moira North; and, of course, if you are going to make comparisons, I think they ought to be taken into consideration.

2839. I am very much obliged to you for pointing that out; I only ask for information, I do assure you. Then Moira, I suppose, would be about, from Shepparton, something like, on an average, 20 miles, I suppose; but some of them would have to go a great deal more?—Yes, a great deal more; but I hope to see a line go through there to the banks of the Murray River.

2840. Before we talk about a railway there; is any portion of the Goulburn River, to the north, bounding the Moira tract of country, navigable? Does any produce go from there to Echuca?—Very little, very little; some comes down from Cobram and Yarrawong that goes down to Echuca in the steam-boats, but that is further north-east; but, to my knowledge, I know of no wheat or produce going down the Goulburn to Echuca; I never heard of it. There is a steamer that came up twice or three times there, but I think it was principally with stores.

2841. Does any of the Moira country get its produce down to the Murray?—Yes.

2842. From what distance do they send their produce down the Murray?—The northern portion of it; they have no other way than to send it to Echuca, just as the Shepparton people have to take it to Avenel and Euroa.

2843. Yes, but it does not appear to me clear, so far as the information I want to elucidate goes, that the population to the north of Shepparton makes any difference; they will have to be accommodated whether the railway goes to the east or west of the Goulburn Valley; the only difference it will make to them will be the $2\frac{3}{4}$ miles difference, which I quite admit; therefore, all the people of Moira would bring their produce to Shepparton, and would be accommodated by the East or West line. What I want to draw your attention to is, that large tract of country between the Goulburn Valley to the west and the Echuca line?—I have very little knowledge of the district bordering the Echuca line, therefore I would rather not give an answer, because it would not be satisfactory to myself.

2844. What I want to elucidate is this—it appears to me, as far as I can gather, and from the information you have been so good as to give me, that the eastern side people are very fairly provided with railway accommodation by the North-Eastern line, they having only to travel on an average eighteen or twenty miles, whereas the people on the west side have more than double that distance to go to get to the Echuca line?—The people on the west side of Rodney have now railway communication, while the people on the eastern side have none, and this line of railway down the Goulburn Valley will supply it to them.

2845. That is just what I want to arrive at—whether there is a population that has been left out in the cold, and which would be benefited very much by the line on the west side, or whether they can get all they require by going, as I take it they ought to go, to Shepparton, will all the people on the west side, who cannot get to the Echuca line, be satisfied to go to Shepparton, and will that be treating them quite fairly?—I look upon the line down the Goulburn Valley as a main line, and I think it ought to be kept as straight as possible.

2846. But there are two lines projected down the valley, one on the east side and the other on the west?—But only one would be made, I suppose.

2847. Yes, but I ask this question—will all the population, which cannot be accommodated by the Echuca line, be served by having to go across to Shepparton, to take advantage of the red line?—That is a matter of opinion.

2848. I want to know what your opinion is?—I have stated it. That I think a main line like this ought to be kept as straight as possible, for the reason I gave at first—on account of the dense population settling down there now in Moira, north of Shepparton, and away down by Boossie and Yarrawonga and Cobram. Those people will not be able to remain there unless they have facilities for getting to market.

2849. I do not know now that I have quite got the answer to my question, which is, will all the people who are settled on the west side of the Goulburn, in Mooropna (I will not say the township, because that is too far south), who are too far removed from the Echuca line to take their produce there be fairly dealt with and well served by having to go to Shepparton to get rid of their produce?—That is a matter of opinion. I do not think I am called upon to answer that question.

2850. You are there for the purpose of giving evidence?—I have given all the information in my possession, and I will give all the evidence I can give you, but an expression of an opinion to the Legislative Council is a thing that I shrink from.

2851. Are you prepared to say that you decline to answer the question?—No, I do not; but at the same time I am not inclined to answer it. I think, no doubt about it, it would be inconvenient to them; and the same would apply to the people on the east side to come over and go the longer distance. I think really after all it is not much to quarrel about.

2852. Put it in another way then—all the people on the east side, who would be likely to take advantage of the red line, have the same distance to travel to Shepparton as the people who wish to take advantage of this line would have to travel from the Mooropna division?—No; the people from the Mooropna side would have to travel to Shepparton, to avail themselves of the station there; but I think a bridge ought to be put across at Castle Creek point, because there must be a station in Kialla West.

2853. We are concerned now in determining between two lines which run together to a little farther north than Nagambie, and then spread one on one side of the Goulburn Valley, and the other on the other, and then unite at Shepparton. I want to ascertain the conveniences which Shepparton would give to the one side or the other. I want to know particularly with regard to the people settled at Mooropna, whether you think they will be well served by all of them having to go to Shepparton to take advantage of a railway?—Certainly they would not.

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continued,
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2854. *By the Hon. F. S. Dobson.*—This map, I believe, has been furnished to us by the Government?—I do not know.
2855. Assuming that it has been furnished by the Government, and therefore to be relied upon as accurate, is it not apparent that the vast majority of the population till you get far north of Shepparton is upon the western side?—
2856. Now, assuming that the line is taken to Tatura, would not that be a convenient point from which to make the branch line which you yourself would like to see connecting Shepparton and Rochester?—No, the line from Shepparton to Rochester would go further north than that.
2857. Yes, but could not you take it further up, in the direction I am pointing with my finger to, and do just as much good as the line from Shepparton to Rochester?—No, I do not think so.
2858. Why not?—I think all railways ought to go as straight as the contour of the country will permit.
2859. Apart from considerations of population?—No, taking the population into consideration.
2860. If you take population into consideration, your straight line goes to the wall at once. Can you point out a straight line in England or Ireland. Do not they all follow the population?—They do.
2861. Is it not a matter for consideration in making a line which is to be for all time in the colony, that you have a difference between the two lines of two miles and three-quarters only. Is that a matter worth consideration to men of business legislating for the colony?—That is a matter of opinion.
2862. I believe the people of Ballarat are content to go round?—They have no reason to complain. They have had railway accommodation for the last eighteen or twenty years.
2863. Therefore the Shepparton people ought not to complain if they have only to go two miles and three-quarters out of the way to Melbourne; surely the argument is good where the deviation is so small compared with the deviation between Ballarat and Melbourne. Do you know the country there—[*pointing to it upon the plan*]?—Yes.
2864. What sort of country is it?—It is a dense forest of box and gum.
2865. You say the expense of clearing that would be very great?—Yes, it would.
2866. Therefore it is not probable that it will be a dense population in this part for many years at any rate?—They are pegging it out now.
2867. They are the more fortunate kind of selectors, I suppose, that have some money behind them?—I do not know.
2868. Do you know this country—[*pointing to the map*]?—That is Greytown.
2869. What is the reason there is so little blue here?—There is very little good land where you put your hand.
2870. Is it because the land here is poor that we see so little selection, or is it because there are reserves for gold mining?—I do not know whether that is a gold mining reserve or not.
2871. Do not you know that Rushworth is a large reserve for gold mining?—I know where Rushworth is, but I cannot speak of the reserve from my own knowledge, whether it is reserved or not.
2872. Supposing you were to continue the line from Shepparton (no matter whether it is available by the eastern or western bank) up to the north amongst the selection—supposing they wish to supply this largely settled district?—So it must be.
2873. Eventually, no doubt. The only objection you have to the line going on the western side is, that persons going 200 miles from Melbourne must go two miles and three-quarters out of the way?—It is not 200 miles from Melbourne, nor anything like it.
2874. No, I know it is not; but speaking in round numbers. The only reason for your preference in this line from the Murray to Melbourne, to the eastern route, is that it would be a saving of two miles and three-quarters?—There is another reason that I have not been asked yet, and that is the cost of construction.
2875. Of course, beyond Shepparton, at present, the cost of construction we need not trouble ourselves with?—No.
2876. But the cost of construction for the Eastern or the Western line—will you tell us about that?—There are no excavations of any sort, except side-drains, upon the whole line, from Avenel to Shepparton or Mooroopna.
2877. Are there any embankments necessary?—There will require embankments in places.
2878. Six or seven feet high we have been told by some witnesses?—Yes. I take the quantity of yards of side cuttings, and that is always put where embankment is required, drawn down, or carted, or pulled; and I took the estimate of the bridges over Muddy Creek, and Castle Creek, and Seven Creeks, and two bridges over the Goulburn, and I made up an estimate for both sides, and I priced them in my own way, and I find that there is a difference in favor of the east side of £35,000.
2879. May I ask, are you a practical engineer?—I have not practised it much in this country; I had a little knowledge of it in the old.
2880. Are you aware that these investigations have been gone into by men educated for this particular work?—I have a practical knowledge of working out quantities, and pricing them.
2881. From what spot would you get the ballast on the eastern side?—The ballast must come from Seymour for both sides.
2882. As far as you know, are you certain of that?—Yes.
2883. Were you in the House this evening?—I have made inquiries, and the stone south of Murchison seems to be too rotten. I do not think the engineers would tolerate it at all.
2884. Have you heard the evidence of some of the engineers, I think it was Mr. Watson?—Yes, and Mr. Higinbotham too.
2885. As to there being ballast on the western line, and none upon the eastern?—It is very doubtful whether the stone south of Murchison would be permitted to be used—it is a kind of rotten stone that would soon decay.
2886. It may be what you have seen upon the surface. Has any shaft been sunk there at all?—No.
2887. What is the nature of the stone—is it sandstone, slate, or clay?—A schist.
2888. A sort of slaty stone, I suppose?—Yes.
2889. You do not know what depth it goes?—I fancy the whole of the ballast must come from Seymour.
2890. In spite of the engineering evidence?—That is my evidence.

2891. Will you tell me what grounds you rest your opinion upon?—It is good first-class ballast; *P. Hanna, Esq., continued, 23th August 1877.* and another reason is, that the line will be led from Avenel, or wherever it branches off, to Old Man Creek, and as a matter of course the line will be ballasted as it goes along.

2892. But, necessarily, if you had a very long lead, and you had good ballast alongside the line—? —When you have your own working plant, such as ballasting engines and ballasting trucks, it might be just as convenient to take it from Seymour.

2893. It might or might not, I admit that; but I want to know the ground of your belief that this stone, that you admit to exist upon the western line, is useless for ballast?—If the contract was mine, and I had the privilege of taking the stone, I would prefer to go the longer distance, because I believe it would be as cheap.

2894. That is no answer to my question. What have you seen? I want to know the reason why you assume that the deposit upon the western line is useless?—I go from what I have seen.

2895. What have you seen?—I have been there two or three times.

2896. Just going through the country?—Yes.

2897. And that is all?—Yes.

2898. And with that small amount of information would you venture to contradict the engineers who have spoken here as to the ballast being good?—I do not profess to contradict them. I would be very sorry to contradict them in anything.

2899. *By the Hon. H. Cuthbert.*—Mr. Higinbotham told us that he went up one day and went down the next; and that was all the opportunity he had of judging—have you had as good an opportunity of going over the line as Mr. Higinbotham, and of judging of it?—I have been over it dozens of times.

2900. Do you know of this place where it has been spoken of that ballast could be obtained?—I do know it very well, but I would not say whether it could be taken from there or not. But in regard to Mr. Higinbotham's going over the line, or any professional engineer, he can come to a pretty good idea as to the nature of the country. I would treat Mr. Higinbotham's going over the line and seeing it, or travelling over it, as means by which he could form a very sound opinion as to where it ought to be and where it ought to go.

2901. But I mean so far as ballast could be obtained; could he be able, in a cursory view like that, to say with any degree of certainty whether ballast could be obtained or not?—No, I do not think anybody could do that unless they sunk a shaft and found out what kind of stone it is, because if the stone were stone that would melt away or decay with the weather, of course it is bad ballast.

2902. Whether Mr. Higinbotham be right or wrong, is it your opinion that the ballast ought to be taken from Seymour?—Yes, it is first class.

2903. And that you could lay it down as cheaply as ballast found upon the spot by these gentlemen? —Yes; because no matter whether the ballast pits are opened at Murchison or anywhere else, a line of rails or trams must be laid down to the main line.

2904. And you make the line as you go along and carry the ballast with you?—Yes.

2905. So that the difference between railway making and road making is, that you have facilities in railway making for carrying the stuff as you go along, whereas in road making you cannot?—I will give you a case in point. The second section of the North-Eastern railway, from Seymour to Benalla, sixty miles, was entirely ballasted with gravel from these pits, and it is only forty-two miles and a half from Avenel; and it is about forty-five if they break off from the gravel pits, and that would be about twenty miles short of it.

2906. The Goulburn runs from Avenel to Shepparton, as I understand?—No, it runs from Seymour to Shepparton.

2907. From Seymour to Shepparton?—Yes.

2908. How wide is it on the average?—An average of 200 feet at Seymour, at Murchison about 250 feet, and at Shepparton about 300 feet: that is the main river.

2909. Is there a good depth of water?—Yes. Some of it averages generally ten feet in summer time, except where there is a bar, ten or twelve feet, with deeper holes. There is a bar or two between Nagambie and Seymour, where it is shallow.

2910. Could it with very little expenditure be made navigable from Avenel to Shepparton?—No; because Avenel is not near it at all.

2911. From Seymour to Shepparton?—No, indeed, it would not; it would be much cheaper to make a railway.

2912. I did not ask that. Is it possible?—It is possible to do anything as long as you have plenty of money.

2913. Would £20,000 do it?—No, I would not look at it; and £100,000 would not do it from Seymour to Shepparton, and then it would not be navigable for more than six months in the year.

2914. According to the projected Western line it is necessary to make two bridges over the Goulburn, as I understand?—Yes.

2915. If the river be made navigable, would it be advisable to have bridges over it?—It is not likely that it ever will be navigable.

2916. Then we will not trouble our heads by going into it. I thought there was a depth of water there sufficient for steamers to sail along. How many years have you known the Goulburn River?—About twenty.

2917. Have you resided pretty constantly in that locality?—No, I have never resided there at all. I am very often up and down, though.

2918. You have seen it occasionally year by year?—Yes, I did. I built a bridge at Seymour, myself, once.

2919. During all the time you have had a knowledge of it, how many floods do you remember to have taken place there?—Two very large floods.

2920. One in 1863, one in 1870?—Yes.

2921. Which was the larger of the two?—I think that the one in 1870 was the largest in the Goulburn.

2922. You heard Mr. Sheppard speaking about the great height to which the river rises there, and the great injury that is done by the river flooding the lands right and left?—Yes, I did.

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continued,
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2923. I think he went to the extent of saying that it would be impracticable to make a railway on the eastern side of the river. Were you here when he said that?—Yes, I heard him say that.
2924. Do you agree with that?—Not at all.
2925. What is the real difficulty in making a railway on the eastern side at all?—There is no real difficulty at all; it is simply a matter of choice which side will give most accommodation to the people, and a question of expense.
2926. You have been a contractor?—Yes, a little.
2927. And you have gone to the trouble of estimating the difference in cost between the Eastern and Western lines?—Yes, I did.
2928. You made a difference of £35,000 in favour of the Eastern line?—Yes, for my own amusement. I often make estimates out for different large contracts for my own information.
2929. I suppose you would have no hesitation in guaranteeing your estimate?—No; I would be glad to take the work at that price.
2930. Of the two lines, I think you rather prefer the east to the west?—The east, because it is the straightest.
2931. And shortest?—Yes.
2932. And least expensive?—The least expensive, because the two bridges are avoided.
2933. In your opinion, will it be a convenience to as many people, or more people, by being constructed on the eastern side than if it were upon the west?—I think it is just about equal just now, but population is so fast increasing on the eastern side, that I think the eastern side ought to have the preference.
2934. In point of convenience you think it would afford facilities to an equal number?—Yes, with the assistance of the local bodies to make roads and bridges, and the railway department to make suitable stations to accommodate the people.
2935. One great barrier was put in the way on several occasions to us, that there must be a station at Murchison, but in order to get to the station you must bridge over three quarters of a mile. Have you known the position of the ground about Murchison very well?—Yes.
2936. Could you give the Committee any idea of what would be the expense of making a good approach to the station?—The approach would be the making of the main three-chain road between Murchison and Violet Town; it would be a question of whether the Government, I think, ought to do that, simply because the Government went to three times the expense making a road from Duffy Town to Kilmore, and I think if the line is upon the east side, the Government ought to treat the Murchison people in the same manner as they treated the Kilmore people, and make a road; it would not cost half the amount.
2937. What would it cost?—I estimate it would cost £4000 or £5000 to make a tramway; it would be safe for all weathers. At all events I think a good plank road would answer equally well, because on no occasion do I remember a flood there more than six or seven days on two occasions; it might be more, but I would say two occasions—1863 and 1870.
2938. Suppose it was a kind of viaduct?—I think that would be more answerable to the people there, for it is a very bad piece of ground between Murchison and the three-chain road to Nagambie.
2939. If a plank road is substituted for the three-chain road you spoke of, would not the expense be much diminished?—Yes, the approaches to the bridge are very good, and I think they might be carried out to the station if it is upon the east side. I think the Government would be in duty bound to do that.
2940. Is it possible to do that at a less expense than £4000 or £5000?—Yes, less would do it if they do it that way.
2941. Are you aware that the shire council called for tenders for that work lately, and that a contractor offered to do it for £900?—Well, it would be very temporary, it would not stand the traffic for any time that would be over there. I would not like to do it for £900, or anything like it.
2942. I think you said that upon the east side there is a great rush of settlers?—Yes.
2943. And that within the last month there were no less than 240 applications?—I think the first Tuesday of this month there were 220 to 240 selectors dealt with in Benalla, on Tuesday and Wednesday in this month; and the average is about 100 to 120 every month.
2944. So that upon the western side there is no more land to be taken up—on the eastern side make a railway and people will be induced to settle there?—No doubt about it, because Molka station, between Murchison and Euroa, and Violet Town, a large tract of white country, there is a dense forest of gum and box, which if a railway were to go down that eastern side would be, no doubt, all taken up; no doubt about it, and the timber would be very profitable to be brought down to Melbourne.
2945. You told my honorable friend, Sir Charles Sladen, that there were 700 selectors in one division; is that on the western side?—Yes.
2946. Rushworth 600?—Yes.
2947. Which side is that?—The western side.
2948. Can you give us any idea of the number of electors on the eastern side?—1950.
2949. As against 1300?—Yes, that includes three divisions, which will come to that station.
2950. *By the Hon. N. Fitzgerald.*—Knowing the country, as you do, and seeing Shepparton there, I presume it is foreign to this inquiry to deal with anything that is north of the line, east or west, is not that so? draw a line east and west through Shepparton, would not all the selections north of that line be equally benefited by Shepparton whether the line goes east or west, as far as this inquiry is concerned, the state of matters north has no influence?—As far as the inhabitants on the west of Rodney go, Rochester, Runnymede, and that neighborhood, they have railway communication now, as it is.
2951. We will first limit the inquiry now to a line from Shepparton to the point of connection below Murchison. Will you be kind enough upon this map to tell us where are those 240 selections dealt with at Benalla, are they north of the line or south of that line?—They are north of that line.
2952. Will you be kind enough to tell us what influence the selections upon the north of that line can have upon an inquiry which is altogether limited to the country south of that line?—So far as the selectors are concerned, Mr. Nixon can tell you more about that than I can.
2953. Pardon me, if I put questions a little more vehemently than I intend, but I felt that this is altogether out of the question—you talk about Molka, how far is Molka from railway communication by the North-Eastern line?—Which portion of Molka do you allude to?
2954. Take the centre of it?—The centre of Molka, I should say, is twelve miles from Longwood.

2955. Do you wish this Committee—and you a practical man—to believe that this valuable box forest, this land which would be so immensely valuable if railway communication were brought to its door, was neglected all this time when it was within twelve miles of a railway?—On the borders of Molka run there are either five or six saw mills upon it, and have been for some time; I know that of my own knowledge. P. Hanna, Esq.,
continued,
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2956. Pardon me, I do not ask that—I have no doubt you know that and a great deal more—but I want to know this: the Postmaster-General wanted to have your evidence to this effect, that this country was absolutely neglected, barren, given over to natural waste, because there was not railway communication to it; and you tell me that from the centre of it it is not ten miles to a railway—is not that so?—Yes; about twelve miles.

2957. About twelve miles?—Yes.

2958. And because they are not within twelve miles, they thought the land not worth taking, and they will rush upon it if this railway be made?—Yes.

2959. Allow me to ask you what distance will the line be from the centre that is twelve miles from a station upon the North-Eastern line?—To explain myself I will say that, with the exception of a little selection at Nagambie, in the whole of that district north of the North-Eastern railway to the Molka there was little or no selection until the railway was contemplated, and therefore I fancy that the principal portion of this selection going on now on the east side is with the expectation that a railway will be made there.

2960. I have no doubt that it is because the railway may run through that land; but now from this centre of Molka how far will it be to this line proposed to be constructed?—The portion of Molka close up to it?

2961. But take the centre of it; if this is a large box forest, I suppose it will cover six or seven miles?—There are 60,000 or 70,000 acres in it I think.

2962. Take the centre of the 60,000 or 70,000 acres, how far will it be from Shepparton, or take the nearest station of the proposed line—would it be eight miles?—Eight or nine miles, yes.

2963. Now you are in this fix, Mr. Hanna: you say that it is only twelve miles to the North-Eastern railway; on account of that distance it is utterly neglected; but when the new line is made, it will be eight miles, and then it will be rushed?—Yes; but I fancy the railway down the Goulburn Valley will not be at all for the selectors upon Molka, it is for the selectors of Shepparton and on the Goulburn Valley.

2964. But I want to get at this. Great stress has been laid upon this statement, that this is a neglected country, which would be of enormous profit to the State, only wanting a railway put into it, and it will not be taken up until a railway is there?—The red and blue lines go as far as Murchison; there is no difference of opinion about that.

2965. You said you preferred the eastern line to the western because it was straight?—Yes.

2966. You think Murchison deserves a station to it?—I think there ought to be a station for the convenience of Murchison people.

2967. Now no one has a straighter eye than you. You see the red line and the blue, which of those lines is the straighter?—The red line I think.

2968. Just look again?—If you only take a thin brass wire—

2969. Pardon me. We have a map here which we all admit to be accurate; you see that line, it is patent to everybody. The red line is taken because it is straighter, and when you come to look at it, even at this hour, we cannot be at all in doubt?—But you must measure it fairly. I think wire upon the map would give you the exact distance between the two—which is the longest and which is the shortest.

2970. You give two reasons for selection of this line—the red over the blue—the first is because it is straighter?—Yes.

2971. The next is because this land would be rendered so valuable if the line were made?—I made no reference to Molka at all; I gave that as a reason why that land was not selected previously.

2972. Is it the habit of men when they go first upon a place to take the bad land and leave the good? Is that your experience of these men?—It is pretty well all good land north of Avenel.

2973. And, notwithstanding it is good land and within ten miles of railway, it is neglected all this time; we have Brandy Creek, which is far from a railway?—I know nothing about Brandy Creek.

2974. But you are aware that selection has been going on there very quickly, and they are glad to get railway communication within thirty miles?—I know that selection has been going on in Rodney, and there is no other place for *bonâ fide* farmers to take up land in but in Moira.

2975. Was this within the electoral district you represented in Parliament?—No.

2976. Avenel was?—Yes.

2977. I suppose there is a great connection between Avenel and this district; there is a little affection in your feeling to the old spot?—Yes; I was always very kindly treated in Avenel, and that electorate is only two miles square—part of the boroughs.

2978. Still there is a little feeling of friendship for this side?—That does not cover Avenel at all.

2979. I am not speaking of Avenel; are any of the other towns connected with the boroughs?—Yes, the North-Eastern railway went through the Murray boroughs from Tallarook to Albury, 135 miles.

2980. Now, without the slightest intention of imputing motives, is it not possible there was a little affection for these old friends?—Not the slightest. I have no interest in the world; none but to exactly answer the questions according to my knowledge.

2981. Still there is a little political feeling you know?—You cannot twist it that way.

2982. *By the Hon. W. Wilson.*—I believe you have a pretty extensive knowledge of the locality from Seymour down to Shepparton?—Yes.

2983. You resided in Seymour a long time?—I have a good deal of property in Seymour.

2984. You have a practical knowledge of floods in the Goulburn?—Yes.

2985. You know that they sometimes come down very suddenly?—Yes.

2986. And swamp a large tract of country?—No.

2987. Sometimes even country that is considered free from flood damage will be flooded?—Yes.

2988. Have you had experience of the eastern bank of the Goulburn between Seymour and Shepparton during a flood?—Yes.

2989. Is it the flood waters of the Goulburn that are most to be feared or flood waters of the Broken Creek and the Seven Creeks running into the Goulburn?—Sometimes there is a very heavy flood in the Broken Creek, or Broken River, when there is very little flood in the Goulburn; but when there is heavy rain in the mountains, and snow melting, a very heavy flood comes down in all directions.

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continued.
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2990. Generally when snow waters come down the Goulburn the other creeks are rather low?—
Yes, there is always a good body of water in the Goulburn.

2991. Then do you think that the creeks that have to be crossed on the eastern side of the Goulburn offer any obstacle or any engineering difficulty?—No, none whatever.

2992. How many are there that would require stiff bridges?—There is Pranjip and Crichton's Creek and Little Pranjip Creek, all combined to form Muddy Creek; and there is Castle and another that you could walk over dry foot once in the year, and the Seven Creeks is a large one, and the length of bridge there, I think, is 170 feet—the bridge is built upon sills—and then the Broken Creek; but whatever side the railway comes down it is designed to cross the Broken River both lines.

2993. You have a practical knowledge of the construction of bridges?—Yes. I think that the Muddy Creek could be bridged for £1000 with a good substantial bridge, and also the Castle Creek.

2994. A railway bridge?—Yes; and the Seven Creeks, and in all probability the Broken River might cost £2000.

2995. Would the expense of bridging the creeks between Murchison and Shepparton on the eastern side be a more difficult task than bridging the Goulburn twice?—No. I would rather bridge them three times over than bridge the Goulburn twice, because very heavy and expensive tools would be required to bridge the Goulburn, because they require very heavy piles to resist the flood coming down, and because of the dead timber coming down.

2996. You have had some experience of bridging the Goulburn?—Yes.

2997. You built a bridge over the Goulburn?—I did, for myself.

2998. Then you think it would take £35,000 less to construct a railway upon the eastern side than upon the western?—Yes, taking everything into consideration.

2999. It is owing to the less expense of bridging?—Yes.

3000. Then, so far as to the construction of the line is concerned, it resolves itself into a question of the largest amount of people that will be obliged by the construction of the railway?—No matter what side it is, it will oblige a very large population.

3001. But you can say, at all events, that it would be better even for the western people to construct it on the east side than have no railway at all?—Certainly it would be very advantageous to the Rodney people.

3002. Would it be easier to form roads from the western side to the eastern stations than to form roads from the eastern sides to the western stations?—There you have to bridge the Goulburn again; but at Shepparton there is a bridge erected by a private individual, and no doubt that would supply one. No doubt conveniences could be given; but I think the Government would be in duty bound to put bridges over the Goulburn; not such powerful bridges as would be required to carry a railway, but to lead to stations.

3003. As far as your evidence to the Committee goes, it is this, that it is a mere question of saving money which side you construct the railway?—It is a saving of money, saving of distance, and accommodating a larger population.

3004. An equal number of people would be accommodated by either route. The number that you would oblige and inconvenience by accepting the one route would be compensated by the number you would oblige by making the other?—Yes.

3005. Therefore, it resolves itself into a mere question of cost of construction?—That is all a question of cost and length.

3006. *By the Hon. J. A. Wallace.*—You went along the surveyed line on both sides of the river?—Yes.

3007. The gravel ballast which is used for ballast close to the North-Eastern line has been used along the North-Eastern line for some distance, and is good ballast?—Yes.

3008. You think it better to make a line from the gravel-pits, and continue the line down to the Goulburn to get the benefit of the ballast?—I may explain that, because I have tendered my advice to two Governments about that subject. In 1863 the stone bridge at Avenel was washed away by a flood, and also in 1870 the flood ran very high at Avenel, and the Engineer-in-Chief raised the bridge at Avenel both higher and larger, and therefore, as a matter of course, Avenel had to shift at once, because the present North-Eastern railway is taken away from it $1\frac{1}{2}$ mile, and the old town is deserted, and a new town is built there, and I do think it would be a great hardship upon the people of Avenel to make them shift again.

3009. Why should they shift; it is only a question if the whole of the people of Shepparton are obliged to run $5\frac{1}{2}$ miles more than is necessary?—There is a strong and substantial bridge at Avenel, and considering everything, the risk of a wooden bridge over Hughes's Creek being carried away, I think it would be better, taking all views of it, to start from Avenel, and I advised accordingly, and I now state the reasons why I advised that.

3010. You think that this is to be a main trunk line to the Murray?—No doubt.

3011. And you think that all the traffic should be obliged to go over all that extra distance upon the North-Eastern line—we are here to give as direct a line as possible for the accommodation of no particular people, and you would make all this traffic from the Murray run over all this additional distance?—That is purely a matter of cost and convenience of course. I admit what I have done. I was representing the district at the time, and I advised the Government to start at Avenel.

3012. For the benefit of the Avenel people?—No; for economical principle also; for there is a good iron bridge there, and it will cost a very large sum indeed, much larger than a wooden bridge over Hughes's Creek. There is less land to purchase at Avenel. You go through the racecourse reserve, and the purchase of that, I understand, is also saved; whereas, if you start at the Gravel Pits, you have to purchase land all the way, and to put another bridge over Hughes's Creek; and you can keep further down towards Tabilk, close to the three-chain road. It is a matter of calculation.

3013. *By the Hon. J. Balfour.*—You said, I think, that the eastern line would accommodate the larger population?—Yes.

3014. You gave the statistics—the east had 1950 electors and the west 1300?—Yes; but those are all selectors and farmers. There are other people upon the roll.

3015. Did not you say to the Honorable Sir Charles Sladen that you took a larger radius upon the east side than upon the west?—No; I did not.

3016. Did you take the same radius for the 1950 as you took for 1300?—I went as near as I possibly could, because I knew it would be a point you would desire information upon.

3017. Then you do not go up into this part of Moira to get any of this?—There is a great deal of selection down there I think, though it is not marked blue on the map.

3018. You do not go to any part of Moira to get any part of the 1300?—I took part of Dookie, and the whole of Shepparton, and part of Moira, because the Benalla division runs down there, but that is not taken in.

3019. But you will admit that a large proportion of this population—[pointing to the map]?—I do not take in that at all.

3020. You do not take any part north of Shepparton?—I do take north of Shepparton; and I also took north of Shepparton on the west side.

3021. Does it matter to people living north of Shepparton whether the line goes east or west of the river?—Of course it does; it is two miles and three-quarters longer.

3022. That is all?—That is the whole thing.

3023. The only additional advantage to people is, that it is two miles and three-quarters shorter the other way?—Yes.

3024. You speak of three lines of road that used to be flooded at times?—Yes; that is the road between where the line stops at Murchison.

3025. It is now bridged?—There is a bridge over the Goulburn.

3026. You say the road is now different to what it used to be?—There is a sort of log bridge; there is a great deal of traffic over it.

3027. Is it flooded now ever?—I am not aware that it has been for two or three years.

3028. Not since it has been bridged?—I think the flood has been over it since it has been bridged.

3029. Then that road, notwithstanding it is bridged, has been flooded at times—are there bridges over the creeks on the three-chain road?—What three-chain road do you allude to.

3030. The three-chain road you allude to on the eastern side, running from Murchison northwards?—The three-chain road runs from Moorilim, or Muddy Creek, to Shepparton. Is that the road you speak of?

3031. Yes?—The red line will cross the Muddy Creek about four miles north of Muddy Creek. That takes in a pretty large creek. The next creek to that is the Castle Creek, and the next to that is the Seven Creeks, and the next is the Broken River, close down to Shepparton.

3032. That is not the question I am asking. You speak of a three-chain road which had recently been bridged, and you did not know the floods which had taken place upon it since?—I am not aware that any flood had gone over the three-chain road at all, not even up to it, nor anything like it.

3033. Not in 1870?—No.

3034. Then, evidently, we are not speaking of the same road?—I was speaking to the Honorable Sir Charles Sladen of a road in the direction of Violet Town, that road comes out about a mile, and then turns south and goes towards Nagambie.

3035. Is that the road that you spoke of as having been bridged?—There is a bridge there in the main street of Murchison that would be required to be carried further down. I think the Government would be in duty bound, if they erected a station, to make that road in Murchison the same as they did from Gavan Duffy Town into Kilmore.

3036. You spoke of ballast, if I understood aright. When a contractor has his plant it does not much matter whether he has assistance to bring the ballast or not?—Where he could get it convenient.

3037. It would be better if he could get it convenient?—Yes, but when you have to make a ballast-line to the pit you must consider it.

3038. Still you admit that distance is a very great consideration in ballasting?—No doubt of it.

3039. Then if there is stone upon the western side it would be better than the eastern?—If you put on stone ballast, you would have to take into consideration stone-breakers and appliances, and the steam to drive the stone-breakers, and all that sort of thing.

3040. You spoke of the soil upon the eastern side as being good volcanic soil?—Yes, alluvial.

3041. Is that where the box forest is?—Yes, it is; it is the general run of soil all over the district.

3042. You heard Mr. Sheppard give his evidence?—Yes, he spoke of carb-holes—spewy soil. The time Mr. Sheppard was there is as different as day is from night.

3043. The soil is changed?—No, but the features of the country have changed.

3044. But the soil he spoke of, has it altered?—I do not know about the soil.

3045. In your opinion it is good volcanic soil?—I know it bears good crops and very abundant crops.

3046. Is there anything in the outward appearance of the country to indicate volcanoes?—No doubt about it, those streams are mixed up with alluvial soil.

3047. Suppose you were selecting land there, would you be disposed to describe it as volcanic because it had crab-holes and creeks in it?—If I was going to select land as I tried to do about sixteen years ago, and I could not get a chance under Duffy's Act, and I never tried it since; but if I were going to select now I would look out for the best farm I could take.

3048. You were asked already if you represented the Murray Boroughs?—Yes.

3049. Then your interests of course lay in this direction, to the eastern side?—Yes.

3050. Did you know as much of the western side as you did of the east?—Every bit, I had as many good friends on the western side of the Goulburn as I had on the east.

3051. Still your interests were stronger on the one side than on the other?—Not a bit.

3052. You stated I understood that it was at your instigation and representation that Avenel was selected as the starting point rather than the Gravel Pits?—Yes, I did urge that strongly.

3053. Your opinion was that that was the best, and the engineers thought otherwise?—Yes.

3054. Did you when you were a member of another Chamber, and were at that time a supporter of the then Government which proposed the blue line, try to get the eastern line substituted for it, or did you support the blue line?—I urged that both lines should be surveyed and select the best.

3055. Did you urge that?—Yes.

3056. In your place in the House?—No, it was never mentioned in the House.

3057. Was the line projected then?—It was, and I had been advocating the line for seven years.

3058. Which line?—Down the Goulburn Valley.

P. Hanna, Esq.,
continued,
25th August 1877.

3059. Which side?—I do not care two pins which side.
3060. But you are now very strongly in favor of the eastern side?—I do not much care, and I give you the benefit of my reasons.
3061. Your evidence is to-night that you do not care which line we grant, so long as we give a line down the Goulburn Valley?—Yes. Still I have a preference for the eastern line.
3062. Very lukewarm?—I would prefer it.
3063. When did your first impression become strong in favor of the eastern side, when did you first take that view—since you were in the House?—I have thought over the eastern as well as the western side for the last four or five years.
3064. You never got the survey?—It was surveyed.
3065. This particular red line?—The flying survey was made about three years ago.
3066. Not more than a flying survey?—No.
3067. But the blue line was selected?—Not until the late McCulloch Government introduced the Bill did ever it select the western side.
3068. And you supported the Bill?—It was not introduced. Immediately when it was about to be introduced I got the permanent survey made from Shepparton up to Murchison to have an estimate made of both lines, and if need be call for alternate tenders.
3069. Do you know what the flying survey cost on the eastern side that you spoke of as having been done some time ago?—I do not know.
3070. Was it an elaborate or a complete one?—It is pretty complete now.
3071. But at that time?—Only survey was taken of it, but I did not get the quantities.
3072. *By the Hon. W. Wilson.*—You mentioned that it would take about £4000 or £5000 to bridge or plank over some lagoons or creeks between the end of Murchison bridge and the proposed station on the eastern side?—I said that that amount of money would make a viaduct to a station upon the red line.
3073. Would it not be desirable also to have that constructed, even if the terminus is made in the township of Murchison for the convenience of the eastern side?—Yes, no doubt about it; it would apply to either side.
3074. Whichever side is made, it would have to be done?—Yes.
3075. *By the Hon. J. Buchanan.*—I think you said that there was a bar in the river between Seymour and Shepparton?—There are three or four.
3076. But there are no bars between Murchison and Shepparton?—Not that I know of.
3077. You know the river called the Clyde, at Glasgow Green?—I do.
3078. May I ask you what is the comparison between the two rivers—is the Goulburn at Shepparton not much larger than the Clyde at Glasgow?—Yes; but the difference is, that the Clyde is a tidal river, and the Goulburn is not.
3079. But I refer to the depth of water for the shipping?—At Glasgow Green?
3080. Yes?—The tide goes up as far as Rugland Bridge, a long way beyond Glasgow Green.
3081. But as to the weight of fresh water that comes down?—There is more weight of fresh water in the Goulburn.
3082. Double nearly?—Yes.

The witness withdrew.

Mr. Thomas Nixon examined.

Mr. T. Nixon,
25th August 1877.

3083. *By the Hon. Sir C. Sladen.*—You are a district surveyor, I think?—I am.
3084. Over what district?—Benalla district.
3085. Does that take principally the country on the east side of the Goulburn?—Yes.
3086. Not at all on the western?—Not at present.
3087. I believe you are aware of all the circumstances of settlement in this neighborhood?—I am.
3089. Could you give the Committee the information, in the most abridged form, of what is the state of the settlement of population in the Benalla district, in the neighborhood of the Goulburn Valley on the eastern side?—The number of the population, you mean?
3089. Yes; I want to find out what settlement there is between the Goulburn Valley and the North-Eastern line?—That would be benefited by the projected line, do you mean—the number of the population to be benefited by that?
3090. How would you draw a line, then?—Well, I should commence at Murchison.
3091. On the east or west side?—Both sides, as far as they are concerned south of Murchison—they are very well accommodated at present by the North-Eastern line.
3092. Will you give as much information to the Committee as you possibly can, to enable them to form some opinion as to the circumstances connected with the two lines—will you let us know the population that would be benefited upon the eastern side, and as far as you are aware of it, as to the population that would be benefited on the western side?—I can let you know that there are eight parishes on the western side to be benefited by the line between Murchison and Shepparton—Toolamba West, Toolamba, Gargarro East, Kyabram East, Mooroopna West, and Mooroopna, and also the parishes of Undera and Coomboona, covering an area of 200,000 acres.
3093. Does that go north of Shepparton?—North of Shepparton on the west—those are the agricultural areas that would be benefited principally by the projected line. On the west side, I presume, the selecting population is about one thousand.
3094. How far west does that extend from the Goulburn?—It is bounded by Mr. Winter's estate—Stanhope on the west, and by Mr. MacBain's estate on the north, and by Mr. James Winter's on the south.
3095. Taking the first point you named—Mr. Winter's property—how far is that west of the Goulburn?—It is about fifteen or sixteen miles.
3096. I understand there are two Mr. Winters on this side of the river—which Mr. Winter is it?—Mr. Winter of Stanhope I am referring to now.
3097. That is about eighteen miles west of the Goulburn, is it not?—Yes, thereabouts.
3098. And the population that would be benefited in those parishes you have named is how many?—About a thousand selectors.
3099. Is that all that will be benefited by the blue line?—All settled by agriculturalists.

3100. Is there any other population besides agricultural population?—Very little; the rest would go to Rochester and Echuca.

3101. Will the people who are settled in Waranga go to Rochester?—It would be optional for them to do so, the distances are about equal.

3102. From Waranga to Rochester and Waranga to Murchison?—Yes, pretty near; it is something nearer Murchison.

3103. As I take it, from Waranga to Murchison is 8 miles, and from Waranga to Rochester is 25?—Yes, you are right.

3104. Therefore your statement is scarcely the case?—You are right; but there is very little agricultural settlement about Waranga.

3105. I am anxious to find out what the population is. When you say a thousand, do you mean a thousand adults, or a thousand men, women, and children?—A thousand selectors to be benefited.

3106. But what is the population—I suppose the railways are not made entirely for selectors?—In this direction they are mainly selectors.

3107. I may be wrong, but there are other industries besides agriculture, are there not?—Yes, a little mining at Rushworth.

3108. Are you aware what the numbers on the electoral rolls of the two divisions of Mooropna and Rushworth are?—No.

3109. Because they considerably exceed the number that you say will be benefited, and they are between 1300 and 1400?—I am talking of a block of land.

3110. I am talking of two blocks of land which seem considerably to exceed that population you put before the Committee. The electoral districts of Mooropna and Rushworth seem to take in all the country you include to the west of the Goulburn through which this line passes, and the electoral rolls show they include 1346 electors; then the population will be considerably more than the mere number upon the electoral roll, would they not?—Perhaps so.

3111. Are none of those selectors married?—I presume so, a great part of them.

3112. I suppose a man and his wife—do they only count for units or for two?—I do not know. I estimate that there are a thousand selectors west of Shepparton who will be benefited by the proposed line.

3113. *By the Hon. H. Cuthbert.*—In estimating the number, you have only regarded the electors themselves; you have not taken into consideration the members of their families?—No.

3114. That is, so far as the west is concerned?—Yes.

3115. Now you have got a map before you?—Yes.

3116. Starting from Avenel and going up to Murchison, I understand there is very little difference between the railways on each side of the river from the point of junction?—Very little, I should think.

3117. Is the great mass of selection on the east or on the west side, as far as Murchison?—The largest settlement is on the east side, as far as Murchison.

3118. Can you tell me the number of people that would be benefited by having a line of railway on the eastern side of the river—the number of selectors?—Where do you commence, and where do you end?

3119. Will you divide it in the way I put it; take from Avenel to Murchison?—A large population would be benefited by the line from Avenel to Murchison; the route is common to both lines as far as Murchison.

3120. I beg your pardon; it is not common to both, because the point of junction is at 13 miles. Take it from the point of junction as far as Murchison—could you give me an estimate of the number of people that would be benefited by the railway on the eastern side?—I could not give you the estimate of the number.

3121. Could you give me, generally, an estimate of the number upon the eastern side from Avenel up to Shepparton?—I should say about 3000.

3122. Three thousand selectors?—Yes, between Avenel and Shepparton, on the east side.

3123. That is 3000 against 1000. If I understand your answer rightly, the number of selectors from Shepparton to Avenel, on the eastern side that would be benefited by a line of railway being constructed on that side of the river would be about 3000?—I should think so.

3124. And the number upon the west would be 1000?—No, there would be more upon the west—you might say 2000, that is starting from Avenel.

3125. The answer that you gave to Sir Charles Sladen was, that there were a thousand selectors upon the western side?—That is in the block of agricultural settlement that I mean; taking in Waranga and Rushworth and Murchison, I estimate about 2000, including miners, tradespeople, and selectors.

3126. So that the population on each side is from 2000 to 3000?—Yes, I estimate the selectors at that.

3127. Have you been engineer to the shire of Echuca before you became engineer to the shire of Benalla?—No, I was district surveyor at Echuca.

3128. How many years have you known the Goulburn?—For about eighteen.

3129. Are there any very great difficulties in the way of constructing a line of railway upon the eastern side of the river?—None in my opinion.

3130. We have been told by other witnesses that it is shorter upon the east than upon the west; do you agree with them?—I could project a better and shorter line I think than either that has been suggested, by keeping two miles to the east of Nagambie and four miles to the east of Murchison. I should get a line 38½ miles that way, and better land and free from floods.

3131. Have you indicated that line on the plan before you?—I have it on this plan.

3132. Would you allow me to see it?—The blue line—about four miles to the east of Murchison and two miles to the east of Nagambie.

3133. Then with the new line that you would project and approve of, you would avoid most of the townships I think?—Yes; keep four miles to the east of Murchison and two to the east of Nagambie.

3134. As that line is not before us, and as we have to confine our attention to the two lines that have been surveyed—one on the west and the other on the east—I would ask you which of the two in your opinion would be the most judicious for this Committee to assent to?—In my opinion there is no comparison between the two lines, the one is so much superior to the other.

3135. Which is superior?—The eastern line for general utility, and also local utility.

3136. Would you tell me shortly your reasons for arriving at that conclusion, that the eastern is preferable—far preferable to the western side?—Because it will accommodate a larger population hereafter.

Mr. T. Nixon,
continued,
28th August 1877.

3137. Hereafter ; but take it at the present time, you say it is 3000 to 2000 ?—I believe so.
3138. It would even now accommodate a larger population ?—I believe so.
3139. Any other reason ?—If you extend it to the Murray, it will accommodate four times as many.
3140. Well, I suppose that would happen no matter which line was adopted whether the western or the eastern side ?—It would all depend upon whether you carry the Western line to the Murray or not.
3141. Both of them come to the same point at Shepparton ?—Yes.
3142. So that could scarcely be a very good reason for preferring the Eastern to the Western. I can understand your reason that the eastern side would accommodate more people. Now, if the line is made on the eastern side, can the people on the western side of the river bring their produce by means of bridges across, and use the line of railway ?—Very easily.
3143. Would the reverse hold good—that the people of the eastern side could with as much facility transport their produce across the river to the western side ?—No.
3144. Why not ?—Because the land is not so solid ; the roads are not so good.
3145. The roads on the eastern side, I believe, in winter time are almost impassable ?—They are very bad ; they are very soft.
3146. It was stated by one of the engineers that was examined here to-day that at Murchison there would be a difficulty in reaching the railway station in a time of flood ; that some low-lying land there was liable to be flooded ?—It is a very trifling affair.
3147. At what cost could that difficulty be overcome ?—I should say £700 or £800 ; it is not near so long as it has been represented, the portion to be bridged.
3148. *By the Hon. N. Fitzgerald.*—May I ask, are you in the employment of the Government ?—Yes.
3149. Exclusively ?—Yes.
3150. Then you come here, of course, as a Government official. Now you were asked by my honorable friend about the population from Avenel to Shepparton. I think you estimated it at 3000 ?—Yes ; 3000 selectors on the east side.
3151. That would be benefited by the railway the whole distance ?—Yes.
3152. And you told us a few answers previous to that that the population up to the point where the railways run in common was much more populous on the east than it is on the west ?—No ; I told you the most populous part of that country on the west was north of Murchison.
3153. Pardon me ; do not run away, if you please. You were asked whether up to the point of divergence of the two lines—the population on the east or the west was the larger—you answered that the east was, decidedly ?—Yes, I did.
3154. Now up to that point what in numbers is the superiority of the east over the west ?—There is very little settlement on the west at all.
3155. Now, if you please, I asked if there is a larger population on the east than on the west, and you have the same facilities for estimating that as you have of the whole—I ask you what is up to that point the excess that the east has over the west—that is a plain question—about how much—is it double ?—Treble.
3156. Up to that point ?—Up to Murchison.
3157. Up to the point of divergence, where the two lines separate, what excess has the east over the west ?—I said up to Murchison.
3158. Now what is the difference in point of distance, up to Murchison, between the east and the west line ?—There is very little difference between the two.
3159. Now I want a plain answer to a question that necessarily follows from that—must not the excess that the east has over the west up to Murchison be deducted from the number that you gave from Avenel to Shepparton, as 3000 against 2000, where the lines run almost coterminously ?—I do not see any reason for changing my opinion.
3160. Pardon me, I will collect your thoughts again—the east has the advantage over the west as three to two ?—I think so.
3161. From Avenel to Murchison, about which there is no dispute at all, has three times the population on the east over the west—now from Murchison to Shepparton which side is the more populous ?—The west side.
3162. Very much more ?—No, not very much more.
3163. Then on all the portion of the line which is at all in dispute, namely, from Murchison to Shepparton, the west is far more populous than the east ?—I think it is more populous.
3164. Then it would accommodate the greater number ?—No.
3165. Come, if it is more populous, there must be more selection ; is that not so ?—No.
3166. I am very sorry if I confuse you, I have no intention whatever to do it. I will bring you back to where we started. The population between Avenel and Murchison is much larger on the east than on the west ?—It is.
3167. But between Murchison and Shepparton the population on the west is much larger than upon the east ?—They are about equal ; perhaps the west is a little more.
3168. Now really, I have no desire to put it in any way but in plain English—what I want to know is this, between Murchison and Shepparton which side is more occupied by selection, cultivation, and inhabitants ?—More on the west.
3169. Very much more ?—No, not much more.
3170. Now, does the difference in favor of the west, between Shepparton and Murchison, make up for the excess that the east has over the west between Murchison and Avenel ?—No, not at all.
3171. But you must know that it is entirely foreign to this inquiry what excess the one line has over the other where they run in common, it is only where they diverge ?—Because you asked me the difference in population between Avenel and Shepparton.
3172. What is the sphere of your duties in this district—how far do they range ?—I have nothing to do with the line.
3173. I mean the country through which the line runs ?—I am the surveyor ; I inspect the surveys.
3174. Over the whole ?—Over the whole.
3175. From the one boundary to the other of this ?—No.
3176. From what points ?—From Murchison downwards, on the east side.

3177. Then the sphere of your duties does not take you at all from Murchison North?—Murchison North it is.
3178. Did your duties run from Murchison to Shepparton on the east side?—Yes.
3179. On the east side; is that country ever flooded?—Occasionally the river floods.
3180. When was the last?—I could not tell you.
3181. Was it last year?—No, there were no floods last year.
3182. Was there the year before?—Probably.
3183. Why do you say “probably,” you are a gentleman in the Government service, and floods represent very serious damage to property; was there a flood last year?—I do not remember any.
3184. Would there be a flood without your knowing it?—I think not.
3185. Was there a flood last year?—I think not.
3186. Was there the year before?—Yes, I think so.
3187. Did you see the river when the water was at its height?—I did.
3188. At any of the low-lying ground through which this railway is proposed to run what was the height of the water?—I could not tell you the height.
3189. Was it 8 feet?—I daresay it was.
3190. Was it 10 feet?—It might be.
3191. Was that depth of 10 feet at any part where this line was proposed to be run?—I daresay it might be.
3192. Now, I must really appeal to my honorable friend, the Postmaster-General, to ask that this witness may be required to give his answers in a manner more becoming and respectful to this House. Now I must have an answer, Mr. Nixon. Where did you see the 10 feet of water?—At Shepparton.
3193. Was it within the line of this railway, where the embankments would have to be made?—It was.
3194. Now let us return to the question. At the point where the water was 10 feet deep, would the line of railway run through that?—Yes.
3195. And can you, as an engineer, say whether an embankment would have to be there?—Yes, or a viaduct.
3196. Along the line was this flood the back-water, the overflow of the streams that debouch into the river?—Yes, from the Goulburn River.
3197. Was there a large area of country under water?—Not very large.
3198. How far does that water run back from the Goulburn River?—At the junction of the Broken River and the Goulburn River I should say 10 or 20 chains.
3199. Only there?—Only there.
3200. Did it not spread back to Kialla?—No, not that I am aware of; I did not see the creek at that time.
3201. At that time, as far as you are aware, was the face of the country under water, as it is termed?—No, I never saw that in the course of my experience.
3202. Then you think a railway embankment might be built along the red line, without the probability of any damage from flood?—I do.
3203. Do you think a 3-feet embankment would be high enough along that line to be above flood level?—Yes, or less.
3204. All the way?—Yes; in my opinion it requires drainage more than embankment.
3205. For the safe construction of the railway?—Yes.
3206. Or for the improvement of the land generally?—It would effect both purposes.
3207. Would drainage be necessary to make the embankment safe?—Yes. Instead of embanking, I would drain, the country is so level; I would drain the country to do it, and make the railway almost upon the surface.
3208. Would that railway be safe?—Yes.
3209. Would it be a very expensive system of drainage?—No, the drains need only be five feet deep.
3210. Now you said about the population, that this red line would benefit a larger population. You used the word “hereafter.” You said one of your reasons for preferring the red line was that it would benefit a large population hereafter?—Yes; the population settling between Shepparton and the Murray.
3211. Pardon me, we must draw the line at Shepparton. We are talking of the line between Shepparton and Murchison. I ask you of the two lines, east or west of the Goulburn River at the present moment, which would benefit the larger population?—I said I thought it would benefit the largest population on the west side.
3212. But you said it would benefit those on the east—a larger population hereafter?—Yes, if you extend it to the Murray. We know that the people settling there would travel by the shortest route.
3213. Do you know anything of the country between the Goulburn and the North-Eastern railway?—Yes; I know it all.
3214. What is the character of the soil?—Between the Eastern and the Goulburn?
3215. Between Euroa and Longwood, and Murchison and Shepparton?—It is a tenacious clay soil.
3216. Volcanic?—No.
3217. No volcanic soil?—No trace whatever of it.
3218. Is it a forest?—It is.
3219. What sort of a forest?—Box.
3220. Any gum?—Some; a little in the hollows.
3221. Are you aware of the character of soil where box and gum are found together?—I am.
3222. Is it generally a good rich agricultural soil?—Yes.
3223. Box and gum?—Yes; that is the character of all the country you see there on the plan.
3224. What is the distance between—say that you take the distance from Murchison as nine miles or eight miles to the centre of the forest that is described—what is the distance from that nine miles’ point to Euroa or Longwood; which is the nearer, about what?—You say nine miles?
3225. Take nine miles from Murchison as a fair point?—About eight miles to Longwood.
3226. Then, practically, the centre of that settlement, whichever way this railway is made, is within eight miles of railway communication?—Yes.

3227. Eight miles?—Yes.
3228. And if the other line is made, it is only nine miles to Murchison?—Yes.
3229. Eight and nine from Longwood?—Yes, from Longwood.
3230. When you said that the population was 3000 as to 2000, are you quite clear that estimate had no reference to any settlement or any population north of a line to be drawn through Shepparton across that map?—I embraced land north of Shepparton on both sides.
3231. Will you be good enough to throw aside all land (and the population upon that land) north of Shepparton entirely, because it is quite obvious both sides would be equally benefited whichever side the line comes from—that would be, draw a line across the map through Shepparton?—It would be about equal on each side.
3232. And in your own mind, do you not think it is foreign to the inquiry to tell us what is north of Shepparton?—No, I say both sides would be equally benefited.
3233. The land on either side of the Goulburn railway would not be influenced so long as it reached Shepparton?—It is just the same.
3234. Then you will recall, altogether, the superiority in numbers that you gave the Eastern line over the Western to the Honorable the Postmaster-General just now?—Then, I should have to deduct from the western side from Shepparton, the same as I do on the east side.
3235. Will you be kind enough to give me the number, if you can, upon the same basis that you gave the others; I do not think it is of much importance. You said, just now, that if you drew a line across Shepparton, which is really the just thing to do in estimating the number to be benefited by this line, they would be about equal, and rather more on the west where the lines run together?—If you wish, I will take 500 off each side from Shepparton northwards.
3236. That would give us 1500 as against 2500?—Yes.
3237. I must have this out—that line is struck across at Shepparton?—Yes.
3238. Consider all that country out of the question. Now this line runs round between Murchison and that point; you told us the excess of population is in favor of the west?—Yes, but I was extending it to several parishes on the north side.
3239. But what is your answer without the extension?—I say they are about equal.
3240. Between Shepparton and Murchison, of the east and the west, which has the larger population?—The west side.
3241. Between Shepparton and Murchison?—Fully the largest on the west side.
3242. On the west side?—Yes.
3243. Then what is the distance between the two lines where they meet at Murchison, as they are described upon this map—is it more than two or three miles all along?—The red and the blue?
3244. What is the distance between the red and the blue?—About 2 or 3 miles.
3245. From where they branch off at this point from the point of junction, where the lines are only 2 or 3 miles apart, what would be the excess between Murchison and Shepparton that the west has over the east, in your opinion?—Very trifling.
3246. And then, when you come and look at the map—that colored part representing settlement, the white representing a blank (the fine land that grows gum and box). Now, Mr. Nixon, do you adhere to your opinion that the difference of population is very trifling between Shepparton and Murchison, having that map before you—the blue representing settlement?—The blue represents large estates.
3247. No; the brown is the large estates, and the blue represents *bonâ fide* settlement—[*handing a map to the witness*]—Do you see Shepparton there?—I do.
3248. You see Murchison there?—Yes.
3249. With that map before you, and the information that that conveys of the settlement, are you still of opinion that the difference in population between the right and left bank of the river to be benefited by the railway is very small, and next to nothing, as you say?—It would appear larger by this map.
3250. Would it appear to be much larger—would it appear to be double?—It would.
3251. Would it appear to be treble?—No.
3252. Well, double. Do your duties ever take you to Rushworth?—Yes.
3253. And to Whroo?—Yes.
3254. Are they not important towns?—No.
3255. Is there any mining interest there?—A little.
3256. Is the antimony an industry?—I do not know.
3257. Did not you ever hear of it?—No.
3258. No antimony?—No.
3259. I had the impression it was a very promising industry. Well, would not Rushworth and Whroo be feeders to this line?—They would.
3260. Important?—Not very important.
3261. And traffic for goods?—Very little.
3262. It would be the nearest point to come?—It would.
3263. All the supplies to there, till you come to the Rochester side, would come that way?—Yes.
3264. Still, notwithstanding all that, you still think you would prefer the eastern to the western?—Yes.
3265. *By the Hon. J. Balfour.*—I understand, from the answers you have given to the Honorable Mr. Fitzgerald, that you now state the population to be larger upon the western than upon the eastern side going from Murchison to Shepparton?—Yes.
3266. But did not you say that your preference for the eastern line was, because it would benefit a larger population?—Yes.
3267. But the larger population is on the western side?—No, commencing from Avenel I said.
3268. But then they are identical?—No, they are not.
3269. The line from Avenel up to the point of junction very near Murchison, say six miles away; can you say from the point of junction instead of from Murchison up to Shepparton, which has the largest population, the east or the west?—I think they are equally balanced.
3270. As far as you know, they are exactly equal?—Yes.
3271. Do I understand your answer to be, that you prefer the eastern side because there is a greater population to be benefited by the eastern side?—Yes.

3272. And yet the population from the point of junction to Shepparton is equal. Where do you get the balance of the population?—North of the Broken River.

3273. North of Shepparton?—North and east of Shepparton.

3274. But north of Shepparton does not matter, because it cannot affect it whether it comes by the east or the west?—It is about the same.

3275. Then the population is not greater, that would be benefited by the eastern line, if you strike out that north of Shepparton; why should it be better for them to come down to the eastern than to the western line?—Because it is shorter.

3276. Then the whole thing is because it is shorter by $2\frac{3}{4}$ miles?—Yes.

3277. Then it is not because of a difference in population, but because it is shorter by $2\frac{3}{4}$ miles, do I understand that?—Yes.

3278. In answer to the Honorable the Postmaster-General, you said there are no difficulties whatever in constructing the eastern line?—No.

3279. Yet I understood you to say that it would be necessary to have an embankment or viaduct upon the part of that line when there are floods occasionally?—I referred to the crossing of the western line over the Goulburn.

3280. Did not you say you had been upon the eastern line not the last winter, but the winter before, when the flood was 10 feet deep?—Yes, where both lines cross.

3281. Do you mean to tell me that on the western side that embankments would be necessary upon the blue line?—Where it crosses on the eastern side it will be necessary to embank it.

3282. Just at the crossing-place?—Yes.

3283. After it crosses upon the eastern side, upon the blue line, it still needs an embankment?—It would.

3284. But would no embankment be necessary upon the other line after it diverges from the blue line?—No, except at that crossing-place.

3285. Are there no creeks that flood but the back-water of the Goulburn in winter?—Very little; they do not overflow their banks; they are confined within their channels.

3286. Then it would not be correct to say that the eastern line, as marked there, is often flooded?—No, it would be incorrect.

3287. You spoke of getting rid of the water by draining—what water—is that upon the eastern line?—The surface water.

3288. After a flood, is it not?—No; in times of flood the surface is so flat the water remains upon it in crab-holes, perhaps six inches deep. That is not flood water; that is merely surface water.

3289. Not more than six inches?—No. That is, rain water upon the surface.

3290. You do not admit that there is back-water from the Goulburn?—No, I do not admit it at all.

3291. *By the Hon. W. Wilson.*—You say you have a practical knowledge of the eastern route?—I have.

3292. Of course you are aware there are some rather dangerous creeks to cross?—There are.

3293. Are they principally confined within banks?—They are principally.

3294. And it would involve no greater expense in bridging them than from bank to bank?—Precisely.

3295. No long-flooded flats?—No.

3296. In answer to a question put by the Honorable N. Fitzgerald, you referred to the blue line where it entered Shepparton, in speaking of the flooded flats?—About there.

3297. So that, if it be an engineering difficulty, it is applicable to either line?—It is common to both.

3298. You have that map before you purporting to represent the selection that has taken place in that neighborhood?—Yes.

3299. From your knowledge of what has taken place, has there been any additional selection taken place lately in the neighborhood upon the red line?—Very considerable.

3300. And is there still land open to selection that would be benefited by the red line as between Murchison and Shepparton?—There is.

3301. You see this detour that the blue line takes to go to Tatura?—I do.

3302. Would it benefit a larger number of selectors by going to Tatura than by the pink line following as it is drawn here, and having a station upon the pink line, and not at Tatura?—I do not understand your question.

3303. I will put it in this way. Would it oblige more selectors by taking the railway to Tatura than if you were to take the pink line, and open a station at this point here?—On the opposite side of the river?

3304. On the opposite side; because, in going to Tatura by the blue line, you must necessarily disoblige all on the eastern side of the Goulburn, because they could not reach it on account of the distance?—Just so.

3305. Would the number of selectors towards Tongalla and Timmering and north, on whom you would confer a benefit, be greater than the number you would disoblige on the other line?—I think you would disoblige a greater number.

3306. You would oblige more selectors upon the pink line by adopting it than you would oblige upon the blue?—Yes.

3307. Does the map now colored blue represent all the selections that have taken place up to date?—No; not nearly all; those white spots have been filled up since this map was made.

3308. Could you form any estimate of the cost of constructing the lines?—No.

3309. But, from a general knowledge of the lie of the country, could you tell the House what line you think it would be cheapest to construct?—I should say there was very little difference in construction.

3310. Would the bridging of the Goulburn twice be a difficult task?—No.

3311. Would it be a more expensive task to bridge the Goulburn twice than to bridge the creeks on the eastern side?—Much more so; more than twice the expense.

3312. Then from an engineering point of view the Broken Creek, the Seven Creeks, and the Castle Creek, and the creeks that run into the Goulburn, are not an engineering difficulty of any great moment?—None whatever—it is a very simple affair.

3313. *By the Hon. R. Simson.*—You say the ground is very heavily timbered; what does the timber consist of?—No, the country is not very heavily timbered.

Mr. T. Nixon,
contin'd.
 23th August 1877.

3314. Another witness said it was—the land marked white there—Molka?—This land along the North-Eastern line is thickly timbered, and of a very indifferent quality.
3315. And the other land further up is of better quality?—Yes.
3316. A different kind of timber?—No, box and gum.
3317. What sort of gum?—White gum, and red gum in the swamps.
3318. Have you frequently seen good agricultural land where white gum grows?—No, it is not the best agricultural land.
3319. It is generally a light spewy soil?—Yes; there is not much white gum here, it is principally red gum and box.
3320. *By the Hon. H. Cuthbert.*—Lately have there been many applicants to select land?—Yes, a great many at the present time.
3321. Within the last month?—Within the last four weeks I received over 300.
3322. You have received over 300 applications within the last four weeks?—Yes, up to last Saturday.
3323. For land on which side of the river?—Principally, in fact all, on the eastern side of the river.
3324. Will you point it out on the map?—[*The witness did so.*]
3325. Land has been applied for?—All the vacant space you see there.
3326. Is there any date upon that map, to show when it was prepared—I believe that was prepared by the Board of Land and Works on the 10th of July?—They could not even have the applications that I have at present in hand; if it were made yesterday they could not be put upon this place.
3327. It would be scarcely possible for them to put on the applications made a fortnight ago without consulting you?—Those made two months ago do not appear upon it.
3328. Are we to understand that that map is correct as far as it goes, but that since it was prepared more land has been selected than is shown there?—Yes, I should say by 120,000 acres.
3329. And that 120,000 acres is principally upon the eastern side of the railway?—Yes, north and east of Shepparton.
3330. *By the Hon. N. Fitzgerald.*—Will you be kind enough to distinguish how much on the east and how much on the west?—I cannot tell you.
3331. Take the line again from Shepparton across the map, and tell us how much of that 120,000 acres is between the North-Eastern railway and Shepparton?—Only a small proportion.
3332. Then all the rest is up north?—It is up north.
3333. Which does not concern this line at all?—It would be a feeder to this line.
3334. If it is a feeder, it would be no less a feeder if the line be upon the west or upon the east?—It would be equally.
3335. Therefore it cannot affect our discussion. There is a very small quantity in the box forest?—A limited quantity.
3336. A very limited quantity of the 120,000 acres applied for is between the North-Eastern line and the proposed railway?—Yes.
3337. *By the Hon. W. Campbell.*—What would it cost to clear that box forest per acre?—About £3 an acre.
3338. And level country, is it not?—Yes.
3339. How is it watered?—By those creeks; the Honeysuckle Creek, Seven Creeks, and Muddy Creek.
3340. Are there large distances between the creeks?—No; it is well watered country.
3341. I thought that level country was generally destitute of water?—The country that I refer to is well watered, but the country north of Shepparton is not well watered.
3342. It is white gums?—There are some white gums.
3343. How do the selectors there get water?—They make water tanks and water holes.
3344. And sink wells?—And sink wells.
3345. Have they to go a great depth for the water?—They have.
3346. It is expensive to sink wells?—It is. It is cheaper to collect the surface water.

The witness withdrew.

WEDNESDAY, 29TH AUGUST, 1877.

Mr. Benjamin Goddard examined.

Mr. B. Goddard,
 23th August 1877.

3347. *By the Hon. Sir C. Sladen.*—You are well acquainted with the whole of the Goulburn Valley I believe?—Pretty well acquainted with it.
3348. You are prepared with some statistical evidence, I believe, to give to the Committee?—Yes.
3349. Do you know both the east and west side of the Goulburn Valley?—I know the west side better.
3350. Do you not know the eastern side too?—Not so well as the western side.
3351. You are more particularly posted up with information on the western side?—Yes.
3352. Can you inform the Committee what population will be interested in either of these lines of railway; perhaps as you know most on the western side, you will say how many people are settled upon the western side?—I think the population on the western side, taking the eastern and central ridings of the Waranga shire, according to the rate roll, is 1654; that was on the rate roll.
3353. Could you tell me what space that occupied—what area that occupies upon the map?—That occupies about—
3354. Does that correspond to the Mooroopna division?—That includes the Mooroopna division and all the parishes running up to the brown patch to Stanhope estate, and on the west to Echuca shire boundary.
3355. Can you see the map from here?—Yes.—[*The same was explained upon the map.*]
3356. Is the population which you are alluding to now within this line?—Within that line it does not comprise the western riding of the Waranga shire.
3357. And how far down does it take?—It takes in the whole of Rushworth.
3358. The whole of Rushworth?—Yes, the whole of Rushworth.

3359. Does it go down to Avenel?—No, it is on the western side of the river; Avenel is on the eastern.
3360. I want to know exactly where the limits are?—I think it goes to Baylston, up the western side of the Goulburn.
3361. How far south does it run?—I do not know how far south it runs from Baylston and that district, but I know it takes in Rushworth and Whroo.
3362. And it does not go outside the Rushworth division?—No, I think not; you go into the western then.
3363. How many is the population within that area?—From the rate roll I think it is 1654.
3364. That is selectors; they are not all ratepayers?—Ratepayers, according to the roll book of the Waranga shire.
3365. Is the Rushworth division within the Waranga shire?—Yes.
3366. Do you know what quantity of property those ratepayers represent?—I have not the return for this year, but in the year 1876 I have procured them, and these two ridings represented £440,000 worth of property.
3367. These two ridings?—Yes, the two ridings.
3368. Of the same shire?—Yes, of the same shire.
3369. Four hundred and forty-four thousand pounds?—Yes, as far as my memory serves me.
3370. I hope you are not speaking altogether from memory?—No.
3371. You are giving information that we can rely upon, I suppose?—Yes.
3372. Does that include the population of Rushworth, which is more of a mining character?—That includes as far as the central riding goes. I do not know where the division lines are.
3373. Will the miners be ratepayers, as a rule?—Yes.
3374. Have you any statistics with reference to the produce which has been sent away from this area of country?—For 1876 I have; I have not collected them this year.
3375. For 1876 will be sufficient. Can you inform the Committee of the nature and extent of that produce?—Yes, I took an account of all the grain passing over the bridge at Murchison from the western side for six days.
3376. At what time of the year did you take that?—In February 1876; during that time.
3377. Is that a period of unusual?—Yes; that is the time the grain begins to pass over. During that time there passed over 405 loads of grain during those six days.
3378. Where was it going to?—To Avenel.
3379. And does all the traffic from the Waranga shire go across the river at Murchison to go to Avenel?—All the eastern and western will find its way to Avenel.
3380. But does all the western cross the river at Murchison to get to Avenel?—Yes, except the extreme boundary at the west of the Waranga shire, and of a portion of the Echuca shire, which finds its way to Rochester.
3381. In those six days there were 405 loads?—Yes, taking 7147 bags.
3382. Of grain?—Of grain; this would continue for twelve weeks.
3383. At the same rate?—At the same rate. I am putting it at twelve weeks, because I take it at the very lowest estimate.
3384. Then that would amount to nearly 100,000 bags?—85,764 bags, or about 3,603,000 bushels.
3385. You are not stating over the mark?—I am confident I am not.
3386. Therefore last year from the western side 85,000 bags crossed the Murchison during the months of February and of March?—No, twelve weeks.
3387. In three months?—In three months, February, March, and April. Then I estimate the rest of the year at one-third of that amount.
3388. For the whole year?—Yes, for the whole year.
3389. What will that amount to?—About a total of 485,000 bushels.
3390. We had better go on with bags, as we were in the first instance. There were 85,000 bags in twelve weeks?—Yes.
3391. Taking this extra traffic, which you consider to be about one-third for the rest of the year?—Yes; for the other nine months of the year you would have at least one-third.
3392. That would bring it up to a little over 100,000 bags?—Yes.
3393. The traffic across the bridge from Murchison is about 2000 bags a week during the year?—Yes.
3394. Is there any other produce beside that?—Antimony from Whroo passes over there occasionally; I have not taken an account of anything else but the grain.
3395. Can you speak as to there being any quantity of produce besides grain?—I cannot speak of any other.
3396. Are the antimony mines worked by any number of population?—No; there are, I believe, mines at Whroo, but they have not been worked to any extent, in consequence of the cost of carriage.
3397. And you think that the bulk of the produce of the Waranga shire, or the portions of it which you have indicated, would pass over the Murchison bridge on their way to Avenel?—Passes over the Murchison bridge. I have returns given to me by Mr. Anderson, the Assistant Traffic Manager, for six weeks, which show that Avenel received in the six weeks 2600 tons; Longwood, on the eastern side, 54 tons; Euroa, 419 tons; Rochester, 3673 tons; and Echuca, 1900 tons.
3398. But Rochester will not affect it?—No; but Rochester derives a great deal of this from the western portion of the Waranga shire.
3399. We are not concerned in that at present, I think. No doubt the western portion of the Waranga shire, even if the Shepparton line were made, would go to Rochester?—No, they would make Tatura, because they would save so much in railway freightages.
3400. From what distance would they make Tatura from the western riding?—They would come from twenty to twenty-five miles.
3401. And would they do that in preference to going to Rochester?—Decidedly.
3402. Why?—Because they save so much freightage from Rochester, the mileage is so much less.
3403. Do you mean the mileage from Rochester to Melbourne, or the mileage to Rochester?—The mileage from Rochester to Melbourne would be much greater than the mileage from Tatura to Melbourne.

Mr. B. Goddard,
continued,
29th August 1877.

3404. But are you comparing the mileage upon the line to Rochester with the railway to Avenel? you say there would be so much more freighting to pay on the Echuca line, from Rochester than from Avenel?—I am assuming that the railway would be made to either Shepparton or Tatura.

3405. But would there be a greater distance from Rochester to Melbourne by the Echuca line than from Tatura by the new line and the North-Eastern?—Yes, it is only, I think, 103 miles from Tatura to Melbourne, and from Rochester, I forget the distance.

3406. Will you have the kindness to point it out, please?—I know it is 156 miles from Echuca, but I do not know the distance from Rochester. I think it is about 140 miles from Rochester to Melbourne.

3407. And what from Tatura?—About 103; it is 90 miles from Murchison to Melbourne, and 13 miles from Murchison to Tatura.

3408. One hundred and three to Tatura as against 140 to Rochester?—Yes.

3409. Then, how much of the country in the west riding of the Waranga Shire would be interested in this new line of railway?—The new line of railway, assuming it went to Tatura, would benefit those selectors resident 25 miles north and north-west of Tatura.

3410. But west?—West it would benefit them nearly 20 miles; they would come fully 20 miles, that is, presuming the distance from Tatura to Rochester to be 35 miles, which it is nearly—no, 30 miles. I do not know the correct distance. I was never at Rochester, but they would come at least 20 miles to Tatura.

3411. Then, in fact, the larger part of the shire of Waranga would find a greater convenience in delivering their produce at Tatura, than in delivering it at Rochester?—Much greater.

3412. Owing to the circumstance of the freight being so much greater on the Rochester line?—Yes. In consequence of more freighting.

3413. What difference would that make in the proportion of population you have given us—now which is immediately interested in this line on the east and south Riding of Waranga, is 1350?—The eastern and central riding, 1654, I think it is.

3414. What difference will there be in the population going still farther west into the west riding of Waranga—you say that the people living in the west riding of Waranga Shire would come down 20 miles with their produce to Tatura rather than take it to Rochester, which is not more than 10 or 12 miles?—The people in the western portion of the Waranga Shire would use the Mount Alexander line.

3415. I understood you to say, they would not use the Mount Alexander line?—Not altogether.

3416. I understand you read to the Committee that the population 20 miles west of Tatura would rather deliver their produce there than at Rochester, which is only 10 or 12 miles from them?—Yes, they would rather come a greater distance to Tatura than to Rochester.

3417. That is the case?—Yes.

3418. I want to know what difference that would make in the population, because twenty miles from Tatura would make a very long stride into the west riding?—Yes.

3419. Do you know the distance across from Rochester to Tatura?—I do not know accurately.

3420. It is about thirty miles?—Yes, I think it is.

3421. And the extreme western boundary of the centre riding of Waranga is only about eleven or twelve miles from Tatura?—They would come more from the north; the greater portion of the settlement is north and north-west of Tatura.

3422. That is from land nearer to the Goulburn?—Nearer to the Goulburn, and between Tatura and Echuca.

3423. I want to know, if you please, and am trying to elicit it from you, what this further property will represent in population?—I could not say the population in the western; I have not made myself acquainted with the fact.

3424. You see you are dealing now with an area which is entirely outside the central riding of Waranga, but you are not prepared to give any evidence as to the population likely to be affected by it there?—I am not prepared to give evidence as to the western portion of Waranga shire, because I consider that is already supplied with a railway by the Echuca line.

3425. As I understand you, and as you have certainly informed the Committee, it is only when they get within about twelve miles of the Echuca line that they are likely to make use of that line. You tell me they prefer to go a longer distance to Tatura in order to avoid the extra freighting from Rochester—is that the case?—Yes.

3426. There is a very large population then there, besides that is the central portion of the shire?—Yes; but I cannot give the estimate of how much the population would be benefited there.

3427. But this produce you mentioned as having passed the Murchison bridge in February and the following months last year would come from the whole of that area?—It would come from a distance of thirty miles below Murchison to reach Avenel.

3428. Although they might have got to Rochester in fifteen or so?—Although they might have got to Rochester in twenty or so, or less.

3429. Then in fact, if the line were made to Tatura, there would be a still larger amount of produce?—Much larger.

3430. Much larger than you described as passing over the Murchison Bridge?—Yes.

3431. You do not know the country, you say, on the east side of the Goulburn River?—I have been down a good few times during the last five years—ten or a dozen times.

3432. You do not know it sufficiently to speak of it with confidence?—No; but I have seen the floods there upon one or two occasions.

3433. Can you state the population on the east side?—I can speak as far as relates to Murchison, or nearly opposite Murchison, to within a few miles of Shepparton.

3434. A few miles south of Shepparton?—Yes a few miles south of Shepparton; where the map is colored blue the population is very sparse there.

3435. How much would be there?—I could not give you the population, but I know it was very small.

3436. Have you any information as to another way of measuring the importance of the population, that is the post office; do you know anything of the post office returns?—Yes, I have had charge of the Post Office at Murchison for five years.

3437. Have you?—Yes.

3438. Can you state the number of letters passing through the Murchison Post Office both ways?—

Not during the year.

3439. During the year 1876?—I could not say during the year, but it is about 16,000 monthly, letters, papers, and packets.

3440. That is each way?—Received and dispatched.

3441. About 16,000 letters monthly?—Yes.

3442. Are there many people on the east side of the river who go to Murchison for their letters?—No, very few. I despatch mails from the Murchison office to the Post Offices on the eastern side.

3443. Which will be the principal Post Office to which the people on the eastern side go—where do they get the bulk of their letters?—Shepparton.

3444. But so far as your knowledge goes there are not a great many from the eastern side who go to Murchison Post Office for their letters?—No, I dispatch mails to three offices on the eastern side.

3445. Would those mails despatched include some of the letters you have already stated go through the Murchison Post Office?—Very few.

3446. But the mails you send over to the eastern side are included in the dispatch of letters?—Yes.

3447. Can you give the Committee any idea what those mails dispatched to the eastern side consist of in the year?—Per month for the three offices, Moorilim, Arcadia, and Kialla, amount, at the outside to, 2,000 a month received and dispatched.

3448. That is 2,000 out of 60,000?—16,000.

3449. That is one-eighth?—Yes.

3450. Is the land on the west side good, bad, or indifferent?—Very good land in my opinion—very good land.

3451. As agricultural land?—As agricultural land.

3452. Do you know the land about Shepparton?—Not very well. I have only been to Shepparton once or twice.

3453. The selectors generally in the central riding of Waranga, are they permanent settlers there?—I think they are permanent settlers, I am sure they are; in fact, they make good improvements and so forth.

3454. Generally they have made good improvements?—They have.

3455. Is that an indication of their intention to remain?—That is an indication of *bonâ fide* settlement.

3456. How long have you lived in the Goulburn Valley?—Five years.

3457. Have you ever experienced any flood there?—I have.

3458. Does the river overflow the banks much?—Yes, on the low side very much.

3459. Which is the low side?—Mostly on the eastern side.

3460. Does it overflow on the west side too?—Wherever there is a low bank; but the low banks are not so numerous on the west side.

3461. Does it overflow any extent of country in a flood?—Yes.

3462. Can you give the Committee any idea of how much?—Only in the immediate vicinity of Murchison that I have seen.

3463. For what distance from Murchison Bridge is the country flooded over the roadway?—In 1872, I think it was, I brought the mails over in a boat for nearly a fortnight daily.

3464. What distance had you to go in a boat?—About half a mile from the approaches to the bridge on the eastern side.

3465. What depth of water was there?—The deepest part about 9 feet.

3466. Was it generally deep along the road, or does it shallow gradually?—It shallows away as you go further to the east.

3467. For what length of time was this?—Nearly a fortnight.

3468. Do you recollect the month of the year that was?—I think September; I will not be sure.

3469. The floods, I believe, arose from the melting of the snow on the ranges?—Whenever there is any rain and snow comes down at the same time, that causes a great flood.

3470. Was the traffic stopped at Murchison Bridge by the floods?—At that time Cobb's coach could not get over; they stopped upon the eastern side.

3471. Have you ever experienced that more than once?—That is the only time. I have seen the river rise very high, but not to the same extent. I did not see the the flood of 1870, but I believe it was much larger.

3472. *By the Hon. H. Cuthbert*—Can you tell me what county is this land situated in?—Rodney.

3473. Then from Avenel till we get up to Shepparton the whole of that is in the county of Rodney?—From Avenel to Shepparton?

3474. Yes?—No, on the western side of the river is Rodney.

3475. From Avenel, or from what point to what point?—From a few miles above Murchison, the parish of Rodney commences on the western side of the river.

3476. Up to what point up to Shepparton?—Up to about Baylston, I think; I am not quite certain how far it extends.

3477. Do you know anything about the produce of that country? Do you know the number of bushels of wheat produced in the county of Rodney for the year 1877?—In the county of Rodney?

3478. Yes?—I do not know. I have not seen the 1877 returns.

3479. Would you be surprised to hear that there were 697,027 bushels of wheat?—No, I would not be surprised for Rodney.

3480. Would you, or would you not, be surprised to hear that?—No.

3481. Do you know whether any oats were produced there or not?—Yes, there were oats.

3482. How many bushels of oats?—I do not know how many oats. I referred to the Agricultural Statistics for 1876, but I do not know how many oats.

3483. In answer to my friend you said, I think, that all the produce that passed the bridge consisted of wheat. Now I ask you—?—Grain; bags of grain.

3484. Then you could not tell how much wheat and how much oats were produced?—I think the bulk of it was wheat.

Mr. B. Goodard,
continued,
29th August 1877.

3485. I find there were 171,536 bushels of oats—is any barley produced there?—Yes, there is barley produced there.
3486. Can you give the Committee any idea of the quantity of barley produced in that county?—No, I cannot.
3487. You have been called here to give evidence on behalf of the produce of the western side, but you can give no estimate for the county of Rodney?—No, I only take those portions interested.
3488. You stood upon the bridge one week, and counted the loads that passed over in the busiest portion of the sea?—Yes.
3489. And from that you drew a deduction as to the quantity?—Yes.
3490. Why do you fix 12 weeks?—I know it goes on for 12 weeks fully and more.
3491. Why, I suppose most of the selectors were what is generally termed “hard-up,” and were desirous of sending their wheat to market as fast as they possibly could—would not more wheat be sent to market in February than in any other month in the year?—They could not get it away in a month.
3492. They would get it away as quickly as they could?—Yes, but they could not do it in a month; they could only get away a certain amount.
3493. Do not you think that the traffic would be greater in February than in any other month?—I think not.
3494. What month would be busier?—I think March would be busier.
3495. Would March be busier?—Yes, I think so.
3496. In your opinion March is the busiest month with the farmers?—I think so.
3497. What time is the harvest got in?—Generally about the beginning of the year—January.
3498. Then a good deal is sent to market in the month of January?—Very little.
3499. Why not?—They have to take it in, and get it threshed.
3500. That brings them into the commencement of February?—Yes.
3501. Would not you think that during the very week you took the quantity of traffic that it was the busiest portion of that month, and that month the busiest portion of the year?—It was not, I think, the busiest; I am sure not; I am sure this year a much larger quantity has crossed over.
3502. Do the selectors or the people of the county of Rodney produce anything besides wheat, oats, and barley?—I do not know any other grain produced to any extent.
3503. Anything else—does not the ground yield anything else but wheat, oats, and barley—you seem to know all about this county, and you have come here as an expert to give us information?—I have not posted myself up.
3504. I will refresh your memory—is any wine produced in the county of Rodney?—I have not taken any account of wine; I know there are some vineyards between Murchison and Echuca.
3505. Are you aware that there is a quantity of 24,370 gallons of wine produced there every year?—I know there are vineyards, but I did not take any note of that.
3506. Is that on the east or the west side?—There are some on the east and some on the west side; there is one at Tabilk and another near Echuca.
3507. But the greater portion of this would be produced from the eastern side?—At Tabilk there is a large vineyard.
3508. Have you taken into consideration the quantity of hay that is produced there?—I have not.
3509. Nor allowed anything for that?—No; I do not think there is any market for hay.
3510. Seventeen hundred and seventy-nine tons of hay—you have not taken that into consideration?—No, I merely took an account of the grain.
3511. Then you cannot give me the total quantity of wheat, oats, and barley produced there, either last year or the year before?—I have it, but I have not the totals by me just now, and cannot speak from memory.
3512. I merely put these questions to you, just to show what your evidence is worth, as an expert called here. You say that on the whole of the Waranga shire on the western side of this line, there are some 1654 ratepayers?—Yes, for the two ridings, that is as supplied by the secretary of the Waranga shire.
3513. And those 1654 ratepayers hold 440,000 acres of land?—No, no, that is the annual value of the rate roll.
3514. I thought you answered the Honorable Sir Charles Sladen, by saying, I put it down this way. They represent 440,000 acres of land?—No, that is the annual valuation.
3515. No. I put the question twice, because I did not understand it?—It is the valuation.
3516. Did you say acres, or not?—I say it is the valuation.
3517. The valuation of what?—Of the property.
3518. The valuation of the property held by the 1654 ratepayers is £440,000?—Yes, the annual value.
3519. How many acres do the 1654 people represent?—I have not the amount by me, just now, so that I cannot speak from memory for certain.
3520. You cannot tell me the number of acres?—No.
3521. Some of the ratepayers have very large holdings on the western side?—Some of them, yes.
3522. Can you tell me the largest quantity of land held by any one of the ratepayers?—The largest quantity is that held by Mr. Winter.
3523. Mr. James Winter?—Mr. James Winter.
3524. How many thousand acres does he hold?—25,000 acres, I believe.
3525. Is that all?—So I hear.
3526. Only 25,000 acres, is there any other that comes nearly up to Mr. James Winter in quantity?—I think not.
3527. Out of the 1654?—No.
3528. Who approaches near to him?—No one, anywhere; all the rest are selectors.
3529. Do you mean to tell me that there is no gentleman up there, except Mr. Winter, that holds as much as a 1000 acres of land?—I dare say there are some families that hold over a 1000 acres of land, but I do not know, and could not state who they are.
3530. On an average they hold 320 acres of land?—Yes, or more.
3531. All with the exception of Mr. James Winter?—Yes.

3532. Are you connected with the Railway League for the Western line?—Yes.
3533. What distinguished position do you occupy in connection with the League?—I am secretary to the League for the last four years.
3534. And postmaster?—And postmaster.
3535. Are you still postmaster?—Yes.
3536. At Murchison?—At Murchison.
3537. Now as postmaster at Murchison, you have given this Committee as, no doubt you were bound to do, information respecting the post office. You state the quantity of letters received have been 16,000 per month?—Yes, that is the quantity, I think.
3538. That is between the letters received and dispatched?—Yes.
3539. And newspapers?—Yes; letters, papers, and packets.
3540. Out of that number you have dispatched some 6000 per month to three post offices that you named?—2000.
3541. Six thousand?—2000.
3542. Six thousand to the three I thought you said, 2000 a month to each?—No, 2000.
3543. Do you mean to say to the three post offices you only have sent 2000 a month?—Yes; received and dispatched 2000.
3544. Would you tell me the names of the post offices—the first one Moorilim?—Moorilim or Muddy Creek.
3545. Then when was that post office established?—About five years ago, I think.
3546. The next one Arcadia, when was that established?—I think that has been established about three years.
3547. What was the name of the last?—Kialla West.
3548. When was that established?—I do not know how long ago.
3549. A short time?—No; nearly two years, I think.
3550. In consequence of the selection that was setting in on the eastern side, those three post offices had to be opened in the last three years to meet the requirements of the people?—They have been opened within the last five years. I think the Muddy Creek one was opened before.
3551. The number of letters then dispatched to the east side is daily increasing, is it not?—It is increasing but a little, except to Shepparton. I believe it has increased there very much.
3552. As I understand your evidence, your duty is confined to your post office and to Murchison, and you know very little beyond that certainly connected with the eastern side, you know very little about it?—I know very little of the eastern side.
3553. You have spoken of some flood in 1872?—Yes.
3554. Do you remember a great flood, or do you know anything of a great flood which took place in 1870—that was considered the greatest flood?—Only from hearsay.
3555. In 1872 you say there was a flood, and you had to bring over the mails in boats?—Yes.
3556. I did not exactly follow you at that time, will you tell me again about that; you had to travel over a distance of nearly half a mile in a boat?—Yes.
3557. And in the deepest part the flood rose about nine feet?—Yes, about nine feet upon the main road; there is a very bad place there.
3558. Lessening down to nothing?—Yes.
3559. Two and three feet deep in a great portion?—Yes.
3560. Now along the sides of the Goulburn, are there not large flats, both upon the east and west sides of the river?—Yes.
3561. Taking the inner bank on the eastern side, is it not on a uniform level with the bank on the west side?—No.
3562. I do not mean the low lying land; understand what I mean. On the western side there is a bank, say thirty feet high, on the eastern side there is a flat stretching out, say in some places, half-a-mile, then the bank rises up?—Yes.
3563. Now I ask if the bank upon the eastern side, where the railway is intended to be run, is not upon a level with the embankment upon the west?—It is not; only in places.
3564. In places it is?—In places it is.
3565. In other places it is not?—In other places it is not; but the lowest portion is on the eastern, until you arrive within a few miles of Shepparton.
3566. *By the Hon. N. Fitzgerald.*—This county of Rodney is very extensive, is it not?—Very large.
3567. Do you know the boundary of the county?—I do not know.
3568. Does it run to the Murray River?—It runs to the Murray River, and to Echuca, and to Heathcote.
3569. Then the large agricultural district in Corop and Rochester, and round there, are all in Rodney?—Yes.
3570. Right up to Echuca?—Right up to Echuca.
3571. How far down?—To Runnymede.
3572. In fact, it is bordered by Dalhousie?—Bordered by Dalhousie.
3573. Till you come to Kyneton?—Till you come to Kyneton.
3574. *By the Hon. W. Campbell.*—I think I understood you to say that a large property in that neighborhood belonged to Mr. James Winter?—Yes.
3575. And that there was no other large property?—Not that I know of.
3576. Are you aware whether the property is divided among three brothers, or is it in the possession of one?—I think the property I allude to is in the possession of one.
3577. And are the other Mr. Winters properties separate from this?—Yes; I believe so.
3578. *By the Hon. J. Balfour.*—You have spoken of some increase in the settlement on the eastern side manifested by the number of letters?—Yes.
3579. Has there been any increase of settlement upon the western side lately?—Yes; all the available land for the last five years has been taken up to the north and north-west of Tatura.
3580. Since you went there?—Yes; since I went there.

Mr. B. Goddard,
continued.
29th August 1877.

3581. In fact the land is taken up?—Yes; four years ago. I could travel from Murchison to Echuca, or within twelve miles of Echuca, without touching a fence, which is 52 miles, and now it is all fenced.

3582. How far do you reside from Murchison?—I have a selection about 31 miles from Murchison.

3583. Are there any intervening selections between you and it?—It is all selected.

3584. And what do they cultivate?—Wheat, oats, and barley.

3585. What do they do with their produce?—They have to find their way to Avenel and to Rochester. Those are the two stations that get the most of that produce.

3586. Do some of them go to Rochester from the place you spoke of between you and Murchison?—About my selection they go to Rochester.

3587. Is it your opinion that, if you had this railway there would be a greater increase of grain and produce sent by that railway above what now comes to Avenel?—I am sure that if there was a railway to Tatura and Mooropna there would be a very great increase. There is not a third of the land under cultivation.

3588. The Honorable the Postmaster-General called your attention to the large quantity of produce crossing the bridge besides what you mentioned—wine, hay, barley, and so on; a good deal of that increase you think would come by this railway if it were constructed?—Certainly; much more would be grown, the cost of transit makes them unable to produce it.

3589. Do you know anything about the condition of the western line as far as ballast is concerned?—Yes.

3590. Is ballast to be got on the western line?—About two miles and a half or three miles south of Murchison.

3591. What sort of ballast?—There is very good stone there that they use for the foundations of buildings at Murchison, and it is very good stone; and there is any quantity of gravel between Murchison and Moorilim.

3592. What kind of gravel?—Intermixed with quartz.

3593. From its appearance do you think it would form a good ballast?—I think it would.

3594. Is it river washed?—No, it is a sort of gravel that is in the gravelly ranges about two and a half miles south of Murchison.

3595. You spoke of portions of flats being upon the western side as well as upon the eastern?—Yes.

3596. Have you ever seen floods north of Murchison upon the western side that would interfere with the line?—No, not in one place anywhere.

3597. You cannot speak of the eastern line yourself?—No.

The witness withdrew.

Mr. Angus Ross examined.

Mr. Angus Ross,
29th August 1877.

3598. *By the Hon. Sir C. Sladen.*—You are a carrier, I believe?—Yes.

3599. And you have been in the habit of carrying in connection with the railways, I believe?—Yes.

3600. For some years?—For ten years.

3601. Therefore that has given you a pretty good experience of the country in the neighborhood of the Goulburn?—Yes.

3602. What has been the principal scene of your business?—From Lancefield Road first to Rushworth; then from School-house Lane, upon the North-Eastern line, when it was opened to Rushworth and the adjoining district. That was the first station opened on the North-Eastern line.

3603. But more particularly with reference to this country, which is supposed to be interested more or less in the line of railway projected from Shepparton to Avenel?—Only within the last five years has that part of the country been of any consequence for carriers.

3604. It has been settled within the last five years?—I should say four-fifths have been settled within the last five years.

3605. What is the population generally—what is the industry particularly in which they are employed?—When I was going there first it was mostly all gold mining. There were no down goods; but for the last five years it has been mostly all farming.

3606. What do you call "down goods"?—To Melbourne from up country down. I have put it the wrong way. I always call it down; it is really up.

3607. Exactly. I think the Government way of talking of traffic is, I believe it is all up to Melbourne and down from the country?—Yes.

3608. What you call down is towards Melbourne?—Yes, so as not to have any misunderstanding, let us call it inward goods from Melbourne, and outward going down to Melbourne.

3609. Then which do you call outwards?—I call outwards what goes out of the district towards Melbourne.

3610. During the last five years what has been the principal area within which you have transacted your business, and what has been the nature of your business?—For the last three years and a half I have been going entirely to Avenel.

3611. From whence?—From Rushworth, Whroo, Tatura, and Murchison—those are the places.

3612. Is Tatura the extreme point?—The extreme point.

3613. And have you been engaged during the whole of that time in that country?—Yes.

3614. Is your business a very extensive one?—It is very extensive for the district. I employ 24 horses and 30 bullocks.

3615. How many drays or wagons have you generally upon the road?—I have generally six and very often seven, and four constantly.

3616. Is that pretty constant through the year?—All through the year.

3617. Will you inform the Committee what has been the nature of your loading generally, and the nature and quantity of your loading from Tatura during the year?—Inwards, all storekeepers' goods, stores and groceries, and drapery.

3618. Of all kinds?—Of all kinds, and outwards grain and dairy produce, and tallow and skins.

3619. That would be inwards?—No, outwards going to Melbourne.
3620. Outwards going to Melbourne?—Yes.
3621. Can you inform the Committee of the quantity of loading that you take in the course of the year, say begin with grain if you please?—I have not kept the quantity of loading separate, but I have the gross.
3622. Then that is in tonnage, is it?—In tonnage.
3623. What is the gross tonnage during the year which you have taken from Tatura to Avenel?—From these three places, Tatura, Rushworth, and Murchison, has been over 1600 tons.
3624. That is all outward goods?—All outward goods going to Melbourne.
3625. Do you take much grain?—Yes, I take a great quantity of grain; I have been taking grain all the season up till this week; wheat that I buy, also what I carry for the storekeepers.
3626. As a rule, do the farmers send their grain down by carriers, or do they generally take it themselves?—They take it themselves generally.
3627. From any part of this country?—The farmers take nearly all their own all the season, this is wheat that I buy and carry it for storekeepers.
3628. Does this 1600 tons include every description of loading?—Every description of loading.
3629. And that consists of skins?—Skins, tallow, wool, and grain.
3630. Much tallow?—It is only the butchers' tallow.
3631. Grain?—Grain is the principal part.
3632. And how much tonnage do you take inwards?—For the last twelve months it was 1530 tons.
3633. That is rather over 3000 tons in and out during the year?—Yes.
3634. Is that for 1876?—That is the past year.
3635. Ending last December?—Yes.
3636. Which way does the traffic go from Tatura to Avenel?—It goes through Murchison.
3637. The whole of it?—The whole of it.
3638. And that from Rushworth I suppose?—From Rushworth goes through Murchison too.
3639. That makes a long way round, does not it?—Yes; but I have to divide the teams and separate them at Murchison, they do not all travel together.
3640. Is there no road on the west side that leads towards Avenel?—Not except crossing at Murchison; there is no other bridge.
3641. Have you been in the habit of carrying for any part of the east side of the Goulburn?—I have; about four years ago I was going to Shepparton.
3642. I suppose four years ago the country was not so well occupied as it is now?—No; I tried to establish a trade, but there was not enough goods to keep a team going at that time.
3643. But there is a great deal more population now than there was then?—Yes.
3644. What is the nature of the road from Murchison to Avenel?—From Murchison to Avenel in summer time, it is from about the middle of December till the latter end of April, when the farmers' traffic is on, it is about from four to six inches of dust. I have often travelled and driven when I could not actually see the horses for chains and chains together, when I was sitting on the waggon.
3645. It is a dry country then?—Very dry.
3646. What are the portions of the year when the Goulburn gets out over its banks?—I have not seen many of the floods; the whole time that I have been travelling this road for this four years, I think it was only one season that it was flooded.
3647. Do you ever take, or have you been in the habit of taking, loading from Murchison to either Euroa or Longwood?—I have only gone once to Longwood.
3648. Why do you prefer to go to Avenel to going to Longwood?—The principal reason is, that in the wheat season, if they want to sell wheat at Avenel, there are always buyers there. It is a place of more importance, and it is a saving of railway charges, both ways.
3649. Is not most of the wheat you take consigned?—No, the principal part of it is my own, I buy it.
3650. Then you take it to Avenel to save carriage?—To save railway carriage, and to save railway carriage upon the goods coming from Melbourne.
3651. What is the nature of the country, do you know it, between Murchison and Longwood?—Yes, I have been only, I think, three times across that country.
3652. Did you find it a good road then?—It was good at the time I went, because it was just the best time of the year, it was in the summer time.
3653. There is not much traffic upon it then?—No, very little traffic.
3654. It would not be practicable in the winter, I suppose?—I believe it is a great deal better now than it could have been at that time, but I cannot speak of it.
3655. You have gone from Murchison to Avenel, crossing the river at Murchison—you know something of the population settled in the valley of the Goulburn on the east side?—I know them pretty well south of the Murchison Bridge, but I know very little of the north from Murchison Bridge. I know all the population between that and Avenel.
3656. But between Murchison Bridge and about half-way between Murchison and Nagambie—I do not know what the name of the place is?—Wahring.
3657. Between Murchison Bridge and Wahring is there any settlement?—It is all settled.
3658. Is there a dense population?—The selections there are all about 320 acres; the most of that was selected, I think, in 1865. A good many of them are 640 acres.
3659. Is not there a good deal of land there which has been purchased, independently of selection?—Yes, near Murchison.
3660. Between Murchison and Wahring?—Between Murchison in the parish of Dargalong.
3661. Is that thickly inhabited?—Yes, it is all occupied.
3662. Do you know at all what the number of the population is in the Centre and the South Ridings of Waranga?—The East and the Central Ridings?
3663. The East and the Central Riding, is it—I mean the riding in which Tatura is?—That is the Eastern Riding.
3664. Is the population thick there?—That is the most thickly populated part of the whole Goulburn valley.
3665. Is that rich country?—Yes.

Mr. Angus Ross,
continued,
29th August 1877.

3666. Is that a settled population there?—Yes, it is all settled now.
3667. Are the farms there all well improved?—Yes.
3668. They are in cultivation?—They are all making very permanent improvements.
3669. Could you estimate at all what population there would be in that riding?—I have not prepared an estimate, I have only taken the most of the selections there about—the selections average about 250 acres.
3670. Do you know anything of the country further west, between there and the Echuca line of railway?—Yes.
3671. Have you been in the habit of doing business with the Echuca line of railway and that neighborhood?—I have not been to Echuca; I have been to Rochester.
3672. You are in the habit of sending a great deal of goods?—When I buy wheat close to there, I send it there in preference to taking it to Avenel. When I buy it within ten or fifteen miles of Rochester I send it there.
3673. I want to ask you in reference to the distance. I believe Rochester from Tatura is about—how many miles?—I could not be positive, but I think between thirty and thirty-five miles.
3674. Are you aware of the difference in distance between Tatura and Melbourne, and Rochester and Melbourne, taking the line of railway?—I think there is something between forty and fifty miles difference.
3675. Then I believe you are well acquainted with this kind of trade carrying to and from the railways; what distance do you suppose settlers between Tatura and Rochester would come with their produce in preference to taking it to Rochester?—Suppose that there was thirty-five miles, they would come to Tatura at least twenty miles in preference to going the other way, that is, they would come from twenty to twenty-two miles north of Tatura in preference to going to Rochester.
3676. They would rather go twenty-two miles to Tatura than go fifteen miles to Rochester?—Yes.
3677. Is the population to the west of the west boundary of the east riding of Waranga pretty thick?—Yes, all the eastern riding, I do not believe any man could possibly find a 100 acres in the whole riding north of Murchison unselected.
3678. I mean to the west of the riding north of Murchison?—The whole line from Murchison to Tatura is all occupied, except a margin along the River Goulburn, which is flooded in winter.
3679. And it is all occupied from Tatura to Rochester?—It is all occupied from the geodetic line about ten miles from Murchison; there is a geodetic line across there, and all to the north of that line is settled.
3680. Is there as much population to the north and west of the east riding of Waranga, as there is in the east riding?—I should say there would be at least three times the population to the north of Tatura, to the east from this geodetic line; at any rate this geodetic line is four miles south of Tatura.
3681. East and west is that?—It is an east and west geodetic.
3682. What I want to find out is—I want to know, this being the east riding—[*explaining upon the map*—how much population is there likely to be that would take advantage of a station at Tatura, supposing this railway were made in preference to going to Rochester, how much population to the west and north-west of the east riding?—I should say going nearly due west that would take twenty miles at least, and going due north, that would take at least twenty-five miles. What I wish to convey to the Committee is, if a straight line were drawn across the map from Tatura to Echuca, the farmers living between that line and the Goulburn would come for a distance of twenty-five miles to Tatura, rather than go to Echuca or Rochester.
3683. But I want to know, can you give the Committee any idea of what the population would be independently of this east riding. We are told by the last witness that the population in this riding, the east riding, and in the riding in which Rushworth is, consists of 1650 ratepayers. Now how much more population would there be outside of that area which would be likely to take advantage of Tatura?—If there was a railway to Tatura it would go beyond the boundary of the Waranga shire, fully eight or nine miles into the Echuca shire, the population of which would come to Tatura.
3684. Can you give an idea of what the population would be?—I have no idea.
3685. Would it be a considerable population; a large population as to numbers?—I know the country well and the settlement, though I have not prepared an estimate, and I should say upon an average there would be six inhabitants on each 320 acres upon the whole of that country.
3686. Would there be a population of 500 outside of the east riding that would take advantage of Tatura?—I should say 700 or 800 at any rate.
3687. Are you speaking now merely of the head of each family, or of the total population, men, women, and children?—The population; each ratepayer employs, some of them two or three and as many as five men.
3688. You are speaking of the ratepayers and those employed by ratepayers?—Yes, I think so, in speaking of the population.
3689. You think there is a population of at least 700 or 800 who would take advantage of Tatura, independently of the east riding?—I think that is a long way under the mark, but I could not give anything positive upon that.
3690. If a railway were formed from Murchison, passing through Tatura and upon the west side of the Goulburn Valley, would it assist your business at all?—It would just smother my business entirely.
3691. Drive you out?—Yes.
3692. Then in fact, you are not in favor of this line being made?—Studying my own interest, I would be in favor of neither; for I am doing very well as I am, if you leave me alone.
3693. Do you know anything of the merits of the proposed railway line on either side of the valley?—I know the nature of the ground, but I cannot speak only from the map of the eastern side. I have travelled it, but the country looked so bad, it did not suit my purpose, and I did not take much notice of it; that is just it.
3694. You know pretty well the western side of the Goulburn Valley?—Yes, I am very well acquainted with it.
3695. I want to know how the population on the west side would be benefited by a line going on the east side of the Goulburn River to Avenel?—They could only get a very small benefit indeed, just a few people about Murchison and Mooropna; for the principal traffic would just begin when you go inland from the river about ten miles, it is then that the traffic begins.
3696. You think that the population on the west side, in fact, would be injured by the line going on the east side?—I do not mean to say that they would be injured, but they would not derive a twentieth part of the benefit that they would if it went by Tatura.

3697. Supposing the line were on the east side, what part of the line would they be able to make, say in the east and central ridings of Waranga?—They would only be able to make Murchison and Shepparton. Mr. Angus Ross,
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3698. Is there any difficulty of access to either the one or the other?—The river is the great barrier; and from what I can make out from the low-lying country on the east side, they could not make a road from the river to the station, wherever they made it, even if they bridged the river.

3699. That is at Murchison?—No. Supposing they made a central station between Murchison and Shepparton, and to bridge the river, there would be a very difficult job to make a road to get to the station.

3700. I suppose it would involve the traffic meeting the line either at Shepparton or Murchison, would it not?—Yes, it would be bound to do that.

3701-2. Is there a difficulty in crossing the river at either or both of those places?—Neither of them is very good—Murchison is decidedly the worst.

3703. Is there any difficulty there?—The only difficulty is in time of flood; it is very good any other time.

3704. And that is only for a short distance?—That is only for a short distance, for a short time.

3705. You have pretty good experience of roads, and you can of course discriminate between a good road and a passable road and a bad one?—Yes; I have often had to make them.

3706. Would there be any difficulty in overcoming this little difficulty—you allude to this bad bit of road from Murchison to the point where the railway would come—I believe it is proposed upon the map that the railway should come within three-quarters of a mile of the Murchison Bridge?—That is where the bad place is.

3707. It would not be for three-quarters of a mile, would it?—All that.

3708. Is there any difficulty in making it?—I have had on several occasions, when I was loading flour back, to go back empty. I could not drive along it for fear of getting the flour damaged. I have had it in the wagon up to the shelving, when I had timber in.

3709. Is that for any time in the year?—I only experienced it once.

3710. At what time of the year was that?—I think it must have been in September; I could not be positive.

3711. Practically you do not think there is any great difficulty?—It is only a matter of expense.

3712. *By the Hon. H. Cuthbert.*—On the question of expense, I suppose about £900 would make a pretty fair road from Murchison to the station?—I am not an engineer; but from what experience I have got in road making, and the quantity of water and the strength of current that passes by this place—(I have myself been washed off my feet in it where it was only about three feet deep)—the current is so strong that it would require to be built entirely upon piles for the principal part of this; it would not do to embank it.

3713. Are you aware that the council called for tenders, and that the contractor was willing to make a good passable road along there for £900?—He might make a passable road, but he would not make it safe for passengers to cross it in a flood like this, and this was only a small flood. He could not do it for £900, and I think not for £3000.

3714. Could not he make a viaduct there—put in piles, and make a plank road?—That would be the only way to make it safe.

3715. That would be a safe and easy way of doing it?—That is the only way to do it.

3716. Whether the line runs on the east or on the west side, must not the road be made good?—I believe so; but it is not so important.

3717. How?—There would not be near the amount of traffic crossing the bridge if there was a station on the Murchison side.

3718. That is on the eastern side?—No; if the station was on the western side there would not be near the amount of traffic coming towards the west, as would have to go from the west towards the east.

3719. The traffic would be greater then from east to the west?—Yes.

3720. Is not the traffic from the eastern side increasing very much?—I believe so.

3721. Whether the traffic is much or little upon the eastern side, or whether it is greater than on the western side, the road would have to be made whether the line ran upon the west or upon the east?—It would have to be made; the only difference is that it is not of so much importance.

3722. *By the Hon. J. Balfour.*—You have been carrying for some time you say?—Yes.

3723. What do you pay the railway department?—The last 12 months I paid them for inward goods, that is from Melbourne, £2037, and I suppose half of that amount for the goods going the other way—something over £3000.

3724. Do you do the chief carrying trade in that district?—There are eight carriers beside me.

3725. Eight more?—Eight more coming across the Murchison Bridge; that is into Waranga shire.

3726. Coming, that is to say, from Tatura and that district?—From Mooroopna. I do not go within 10 miles of the river. I go inwards.

3727. But they cross Murchison Bridge?—Yes, they cross Murchison Bridge; and there is another carrier coming from Seymour sometimes to Whroo and sometimes to Rushworth.

3728. Are there any carriers on the eastern side?—There is no regular carrier on that side.

3729. Not much traffic comes down the eastern side?—No, there was about twelve or eighteen months ago; a carrier used to go regularly to Shepparton, from Shepparton to Avenel, but he has not been on it lately. They have been getting goods from some of the other stations lately, for the last twelve months at any rate.

3730. You know of no regular carriers on the eastern side to Avenel now?—No.

3731. Would there be to Longwood or Euroa?—I do not know; but they might go either there or Euroa or Violet Town.

3732. Then the railway returns would probably show what amount of traffic comes from that side?—They are bound to.

3733. Has there been an increase in the traffic from Murchison to Avenel since you have been upon the road?—Four years ago, when I first started coming across Murchison Bridge, I could take all the traffic for Murchison, Shepparton, and Mooroopna with three wagons—all this country that occupies now eight wagons besides my six.

3734. Three years ago?—Yes; and I was taking the principal part that was going to Shepparton. This must be four years ago.

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3735. Then the construction of this blue line would very much interfere with your traffic, you have told us?—Certainly; it would entirely ruin my business.

3736. Would it benefit the district in point of giving extra facilities for carriage?—It would be the making of the district.

3737. Would more come down the blue line than now goes to Avenel, if the blue line were constructed?—Yes, a great deal; because a great deal of grain would come to the blue line that goes at the present time to Echuca and Rochester; and there would be a great increase, at least a fourth more grain grown for the next three years if the people had railway facilities.

3738. Suppose the pink line were made instead of the blue line, can you give any idea of the relative facilities afforded to people—the people on the west would of course suffer if the pink line be constructed, compared to what they would if the blue were made; but would the number of people on the east be benefited to a greater extent?—I do not think so. I look upon it in this light—it is not the line of railway, it is the stations I look to upon the line. Supposing there is a station at Murchison and one at Shepparton, under any circumstances those living south of Shepparton five miles would go to Shepparton, it did not matter how many stations are south of that point, and those that live within five or six miles of the North-Eastern line would go to stations upon the North-Eastern line.

3739. What distance do you estimate the average distance from the pink line to the North-Eastern line?—I have measured the map. I believe it is 16 miles at Murchison, and I think it is 25 at Shepparton; 25 and 16 are 41—the average would be about 20 miles.

3740. About 20 miles would be the average distance between the present North-Eastern line and the proposed pink line?—Yes.

3741. The benefit then would be divided to a larger extent between people already benefited—that is, people on the pink line?—Yes.

3742. Can you give us the mean distance between the proposed line and the Echuca line?—As near as possible 18 miles. It is 40 miles exactly from Tatura; and I do not know exactly the distance to Rochester, but I think something like 35 miles; 35 and 40 are 75 miles—half that, 18 miles.

3743. It is nearly double the distance as between the two lines on the eastern side?—Yes.

3744. Do you know the population of the western side well?—Yes.

3745. And that average of 40 miles is thoroughly settled?—Yes; not a single acre to be got.

3746. You have already told the Honorable Sir Charles Sladen there is an average of how many people?—At a very low average, five or six to every 320 acres; but a good many of them are only 200 acres.

3747. Your business would be injured, ruined you say, by the construction of the blue line—if the pink line be constructed, what would be the result?—It would not be quite so bad; it would damage it a great deal, but still I would be able to carry on a good part of it.

3748. Is there a good deal of settlement about Rushworth?—Yes.

3749. What sort of land is there between Rushworth and Murchison?—The principal part of it is reserved upon the pink line, being auriferous.

3750. Of course that is not settled upon?—No; but they are applying now to have it opened for selection.

3751. If that be thrown open, would that increase the population on the western side?—Yes, considerably. I know they were getting up a petition the last time I was in Rushworth to get it open.

3752. What is the character of the land about Rushworth and Whroo?—Nearly all auriferous country; but between Murchison and Rushworth there is a good deal of very good land.

3753. There are antimony mines about Rushworth, are there not?—Yes; at Whroo and at Coy's Diggings.

3754. Do they produce much antimony?—About four years ago, when I was going to Seymour, I took down upon an average from $2\frac{1}{2}$ tons to 3 tons a week; and after I went on to the Avenel road, I could not afford to carry it so cheaply for them, and they could not raise it at a profit. So it has lain dormant until lately. And there is one mine in particular started just about the time this Bill was introduced; and I had $7\frac{1}{2}$ tons last Monday from them.

3755. Do you think then that the opening of the line would lead to the antimony mines being thoroughly worked?—I have no doubt at all of it.

3756. A good deal of ore was got at one time from them?—Yes.

3757. I think you have told us something of the ground upon the western bank—we heard from one witness that some of the banks were flat and low upon the western side—do you think that would interfere much with, or cause much engineering difficulty in constructing the blue line?—No engineering difficulty would come within 10 miles of the blue line; no low ground at Murchison; on west bank no floods would affect it there; and when it gets to Murchison—Murchison is 13 miles to Tatura—and by the time it gets to Tatura it is $9\frac{1}{2}$ miles from the river; so no water from the river could ever affect it.

3758. We have heard about stone upon the western side—do you know anything about stone or gravel?—They are getting gravel at several places between Murchison and Rushworth—the south of Murchison. In the last fortnight there has been a fine quarry opened there; they are building the Bank of Victoria at Murchison, and they opened the quarry to get stone for the foundations—that is south of Murchison.

3759. I do not know whether you can tell the Committee anything about the Gravel-pits as a commencement for the line; it has been mentioned as a better starting point than Avenel. Can you give us any information upon that?—That is upon the North-Eastern line.

3760. That is upon the North-Eastern line?—I have no idea of the expense of running trains upon the line; but if I had, I could soon tell you.

3761. From your own point of view—your own business. If you had to take goods to the Gravel-pits, and not to Avenel, which would you prefer?—I would sooner go to the Gravel-pits, certainly.

3762. *By the Hon. W. Wilson.*—You have had greater experience of the traffic between Murchison and Avenel?—Yes.

3763. You have entirely confined yourself to the line west and north of Murchison?—Entirely to my own route.

3764. The Honorable Mr. Balfour has asked you about the traffic between Rushworth, Whroo, and Waranga—whether it would be of very great importance in the event of this line being constructed?—I believe it would.

3765. Where does the traffic generally come to?—At present from Rushworth; it comes to Avenel. I carry all the goods.

3766. Murchison is upon the river?—Murchison.

3767. Where would it come to in the event of the blue line being constructed?—To the nearest station between Murchison and Rushworth.

3768. But then the line does not go Rushworth way. I mean, would Murchison still be the loading point for the Rushworth traffic?—Yes, the station would be, as near as can be, eleven miles from Rushworth.

3769. But still that would be the point for the Rushworth and Waranga traffic?—Yes.

3770. Supposing the pink line was constructed, the Rushworth and Waranga people would have to travel three-quarters of a mile further?—No, at least one and three-quarters mile further.

3771. I understood that the station that would be erected upon that red or pink line opposite Murchison would be about three-quarters of a mile from where it would be erected upon the blue line?—No, but the station upon the blue line is on the Rushworth side of Murchison one mile.

3772. I say that the distance between where the Murchison station would be erected upon the blue line, and where the Murchison station would be erected upon the red line, would be a greater distance than three-quarters of a mile?—Yes, it would be one mile and three-quarters; it is three-quarters of a mile from the bridge, and the station is about a mile on the Rushworth side of Murchison.

3773. Then the township of Murchison would be much more inconvenienced by having it upon the blue line than upon the pink?—I do not see that, because they would have no bridge at all to cross then.

3774. You say they have to go outside of their township two and a half miles?—It is one and three-quarter miles from the two stations.

3775. And yet the principal township of Murchison is so close to the bank of the river, that it would be only three-quarters of a mile from the station on the pink line; consequently, it must be necessarily at least one mile that the township of Murchison must be disadvantaged by adopting the blue line; for if it runs at least one and three-quarter miles out from the river, the people of Murchison must go one and three-quarter miles to reach it, whereas upon the red line it would be only three-quarters of a mile, is that so?—Yes, that is quite correct.

3776. I think I heard you state the farmers and settlers north of Tatura towards Rochester, would prefer to go to Tatura; the distance to Rochester is somewhere about forty miles?—Forty miles to Echuca.

3777. And to Rochester?—About thirty-five miles.

3778. And they would prefer coming twenty-five miles to Tatura, rather than go fifteen miles to Rochester?—Yes.

3779. How do you account for it?—The difference in railway charges.

3780. Then the Government would lose the money?—They would lose that part of it.

3781. Then the bringing of the people to Tatura would be rather a disadvantage to the Government?—Yes, it would be a disadvantage to the Government. Any line that can possibly bring traffic to the Government from any other line competing with it must be a disadvantage to it; any of those lines is a disadvantage to the Government.

3782. Then the Government having constructed a railway to Rochester, and settlement having taken place on account of it, you do not think they would be in any way inconvenienced by having to take advantage of their own station within twenty miles of Rochester, would they?—I do not think they would; the same rule will apply.

3783. We are not merely to construct a railway down the valley of the Goulburn to oblige any settlers within twenty miles of Rochester?—If you construct the Eastern line it is competing all along.

3784. I cannot agree with you there, because at Tatura it would bring you ten miles nearer to Rochester station than the line on the opposite side of the Goulburn from that, taking a direct line, would bring you?—I have not seen that upon the map.

3785. If you will look at the map I will point it out to you?—I cannot see how it would be, for Shepparton is only 25 miles from the Eastern line and Tatura is 35 miles from the nearest point.

3786. As I understood your evidence to the Committee in answer to the questions put by the Honorable Sir Charles Sladen and the Honorable Mr. Balfour, you gave one reason why the blue line should be adopted as that it would draw traffic to within fifteen miles of Rochester; that is one of the reasons you gave to the Committee?—I did not—

3787. That on account of having a shorter mileage to Melbourne the selectors would come even within 15 miles of Rochester to avail themselves of that—in other words, travel 5 or 6 miles by road to get 20 miles nearer to Melbourne by railway—that is, the desire for the selectors to get their goods sent to Melbourne by the cheapest route would cause them to take the nearest point of railway communication to Melbourne; consequently Tatura would be within 35 miles of Rochester, and you would draw the Rochester traffic to within 15 or 12 miles of Rochester station; is not that the statement that you made?—No; you are not putting it the same way that I put it.

3788. How did you put it?—I put it in this way—That if the line is constructed to Tatura, the people on the Echuca side, that is due north, would go from 20 to 22 miles in preference to going to Echuca.

3789. And what distance to Rochester?—Finish with this, and then I will tell you. I have not been used to be cross examined, and will you allow me to take my own way.

3790. I have no desire to take you any other way, I am sure?—Tatura is 40 miles from Echuca.

3791. How far is Rochester—the nearest station?—If you will allow me to go on, you will understand me far better. A great portion of this territory lies directly between Echuca and Tatura, and going towards Rochester you go westerly, making an angle of the distance, between Echuca and Rochester makes a side of the angle, and if you can understand me—I could point it out to you upon the map.

3792. Go on, I understand?—By going 22 miles from Tatura they would be going within 18 miles of Echuca, and they would sooner travel that four miles extra to come to Tatura, and save the distance of mileage between Echuca and Tatura on the railway; that is my meaning.

3793. I suppose you have a perfect knowledge of that country?—Yes, a perfect knowledge.

3794. You know that Tatura is nearer to Rochester than to Echuca?—Yes, I know, but part of this territory lying between Tatura and Rochester goes to neither place, they go to Echuca.

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3795. You know that Rochester saves 20 miles to Melbourne, therefore, if Rochester had only the same distance from Tatura as Echuca no one would ever dream of going to Echuca to come to Melbourne. I talk of Rochester, Echuca, and Avenel. You say that people would come from within 15 miles of Rochester, 25 to go to Tatura, simply because they would secure a lesser distance upon the railway; is not that so?—Yes, I believe it is so.

3796. Now by coming to Tatura, would it not be a very long distance for any settlers upon the eastern side of the Goulburn, right opposite to it?—No; for this reason, that Tatura is only 2 miles south in a straight line from Shepparton.

3797. According to the map, as we have Tatura township, it must be 7 or 8 miles?—It is 13 miles distance from Shepparton.

3798. It must be 9 miles out from Shepparton?—If you understand me, it is 2 miles south of a parallel with Shepparton, which would make the distance 13 miles.

3799. I am not taking the east and west of it; but I say the distance from Shepparton—the Tatura line—appears to be about 9 miles upon the map?—Yes.

3800. And it is from 9 to 10 miles from the bend of the river in connection with the eastern settlement?—Yes. I do not believe there would ever be any traffic from the eastern side to Tatura.

3801. Have you seen the settlement that has taken place upon the eastern side?—I have not lately; but I have seen the country. I have been farming for 14 years, and, from my travels through it, I do not think that anybody would select very much of it at any rate.

3802. If people have selected, do you deeply sympathize with them?—I would so. I would pity any one who tries to get a living for himself and family upon 320 acres of the average of it.

3803. Your evidence would go a long way to make the Government stop giving them the land there?—I do not believe in Government preventing people doing what they like; but there is plenty of better land to select at the present time.

3804. Have you seen this map marked blue and white and colored?—Yes.

3805. From Shepparton to Murchison, upon that eastern bank, there appears almost as large a settlement as upon the western bank?—No; if you take the whole country between the river and the North-Eastern line, it is not nearly so large as the western side.

3806. I am not talking of whether there is a greater. I know that there is not the settlement between the North-Eastern line and the proposed red line that there is even between the blue line as proposed and the Echuca line; we are not discussing that; but an immense amount of settlement has taken place, and is taking place, between Murchison and Shepparton, upon the eastern side of the Goulburn. We have evidence of that?—I know to the north of Shepparton there is splendid land.

3807. But to the east and south-east of Shepparton immense settlement has taken place. We have the evidence of the district surveyor that, since this map has been colored, a great portion of what appears white to the eastern side there has been also selected—?

[*The Honorable N. Fitzgerald objected.*]

3808. *By the Hon. W. Wilson.*—You made a statement in answer to a question put by the Honorable Sir Charles Sladen that it would be impossible for the selectors upon the western side of the river to reach any station between Shepparton and Murchison, if the pink line was constructed, and the station erected half way?—I believe it would be a very difficult matter to make a road from the river after being bridged to get to a station there.

3809. Then if it is impossible for the people upon the western side to reach a station half-way between Shepparton and Murchison, it must be a matter of impossibility for people from the western side to reach any station between?—I do not believe any station would be there.

3810. Then so far as the eastern selectors are concerned, the construction of the blue line simply means they must take Shepparton or Murchison?—They must.

3811. And at Murchison they must cross the bridge to get to the station?—Taking that line you cannot possibly place a man more than 12 miles and a half from either Murchison or Shepparton, or some station upon the North-Eastern line.

3812. Have you travelled with your teams on that eastern side?—I have not, there were no bridges over the creeks.

3813. Did that simply arise from there being no bridges over the creeks, or from the flooded nature of the country?—It would not pay me, there was no traffic.

3814. Were you prevented from going along the east side of the Goulburn with your teams from the creeks being so largely flooded and no bridges upon them, or from the general flooded state of the country?—At the time I visited it, it was just the best season of the year; it was not flood time, but a generally bad state of roads.

3815. Did you think from the country it was liable to be flooded?—Generally, before I go with a team I get information, and I do not risk going with a team loaded, unless I know something about the road, and from the character I got I did not attempt to go with the team.

3816. Was it from the open and puffy character of the country?—Yes; being crab-holy and rough for travelling.

3817. I suppose you know that crab-holy country is not generally what is known as flooded country; it is flat and marshy, but not flooded from the overflow of the river?—That depends entirely upon the drainage that went into it.

3818. But my experience has been that crab-holy country is not generally what is known as flooded country, it is flat and marshy, but not flooded from the overflow of the river—is that your experience?—I have seen some crab-holy country where it was entirely the fall from the ranges, and a very large extent of it too in places.

3819. Then from choice, and having the option of both sides, you think the western route is the best for agricultural land and settlement?—There is no question at all about it.

3820. The easiest to form a railway?—The easiest to form a railway.

3821. And the eastern side ought not to be considered?—I do not say that it ought not to be considered.

3822. But the construction of the blue line would be tantamount to excluding land altogether from railway extension, between Shepparton and Murchison?—I do not see that, because the farther away from Shepparton and Murchison and the North-Eastern is not very far. You could not possibly place the the farthest resident there more than 12½ miles from railway communication. You cannot possibly do it. I have tried to do it, and I cannot.

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3823. What distance is the present proposed Murchison station from a railway station—from Avenel, say, or Longwood?—From Avenel it is 25 miles; there are various roads to go to it, like every place. I always travel the best road, for they are heavy roads, and cut up so that I have to travel 25 miles.

3824. From Murchison?—Yes.

3825. How far is Murchison from Longwood?—Either 16 or 18 miles.

3826. Then it would be no great loss to the district if this railway was struck out altogether, would it?—No great loss to me, at any rate.

3827. The investigation opens up, to my mind, quite a new phase of the matter altogether. You say that from Shepparton, all along the eastern bank of the Goulburn (and when I come to look at it, it somewhat bears out the statement)—you make out that no part of the district is more than 12 to 15 miles from a railway station?—I say it is only when they come to Tatura there is any claim for a railway.

3828. That is upon the eastern bank?—If they have a station at Shepparton and one at Murchison, in a thinly populated country like that, if they are within 12 miles and a half, they ought to be very well satisfied.

3829. And they are within 12 miles and a half?—Yes.

3830. Then the whole of this line simply goes to oblige Tatura and Shepparton, and the people around them?—It would benefit them to a degree; but Murchison and Shepparton and Tatura are the places that have any claim for a railway.

3831. But you say Murchison is within 15 or 16 miles of Longwood?—I say then they have no claim. It is only the part of the country north and west of Tatura, and north of Shepparton and its vicinity, that has a claim.

3832. Then it is quite clear that no inconvenience would be suffered by the inhabitants of the country from having the railway struck out altogether, so far as your evidence goes?—Yes, there would be.

3833. *By the Hon. J. Balfour.*—I understood you that the distance would be only from 12 miles to 12 miles and a half to some railway station from any part of the eastern side if the blue line is constructed?—Yes.

3834. But if no line is constructed in the Goulburn Valley, they would be a considerably further distance off?—Yes; the principal part of the traffic that crosses Murchison Bridge has to travel at least 40 miles. It only begins when it comes to Tatura.

3835. As far as the eastern side is concerned, they would be benefited by the blue line being constructed, because it would bring any one there within 12 miles and a half of the railway station?—Yes, they could not possibly be beyond that.

3836. And, as far as the western side is concerned, that would benefit a very large population indeed that would not be more than slightly benefited by the eastern line?—Yes, and out to Moora there would be 20 miles to come into Murchison from the westward.

The witness withdrew.

Mr. Robert T. Beasley examined.

3837. *By the Hon. Sir C. Sladen.*—You are living in the neighborhood of the Goulburn Valley?—*Mr. R. T. Beasley, 29th August 1877.*
I live in the Goulburn Valley.

3838. At Murchison?—No, about fourteen miles from Murchison.

3839. On which side of the river do you live?—On the western side.

3840. You live north of Murchison, somewhere between Murchison and Shepparton?—Yes, I live between Murchison and Shepparton, but more to the west.

3841. Nearer Tatura?—I live about nine miles west of Tatura.

3842. Have you lived long in this neighborhood?—I have been there six years.

3843. Has the population which now occupies the country to the west of Tatura been settled during that time?—When I went there six years ago there was no settlement in my neighborhood, and now the whole of it is taken up.

3844. It is a good thick population, is it?—The population is as close as 320 acres will allow in most cases.

3845. Is it a settled population?—Yes, I may say that the people that are living in that district, to my own knowledge, are practical men that have been farmers in other parts of the colony; they are there now with the determination of sticking there.

3846. And they are a thriving community?—Yes, a thriving community, many of them men who went there with means.

3847. Do you know anything of the population settled to the east of the Goulburn Valley?—On the eastern side?

3848. Yes?—I have been over the eastern side, not very often, but from the nature of the country it can never be settled as well as the western side.

3849. Can you give me any idea of what population is there now?—I can give you no more idea than this, that it is nothing in comparison with the western side.

3850. You are living in what they call the East Riding of Waranga Shire?—Just upon the boundary of the East riding of the Waranga Shire.

3851. Bounded with what other riding?—It is bounded by North Murchison on the map, the corner of North Murchison.

3852. Do you see the map here—[*showing the same to the witness*]—Yes, the Eastern riding is a little to the westward of Tatura, as far as the brown mark, a little further than that.

3853. You have some idea of what the population is in the East Riding?—As close as it could possibly be.

3854. Is the population on the east side, to the east of Shepparton, as numerous as this other population?—No.

Mr. R. T. Beasley,
continued,
29th August 1877.

3855. Not so numerous?—It is not.

3856. You are aware of the two lines which have been projected along the Goulburn Valley?—Yes, I know the lines.

3657. You know both lines?—Yes.

3858. How will the people on the east side of Shepparton be affected if the line goes on the west side?—Immediately east of Shepparton it would not affect them at all; it would tap that district just as well as the Eastern line.

3859. Do you know enough of the eastern side to be able to say at what point they would be injuriously affected, or at all events, not so much benefited as they would wish to be if the line was carried upon the west side?—No, but it is to be taken into consideration that they have the North-Eastern line at present, and by putting a bridge over at Toolamba it would cut the centre of the eastern side, where the population is not so great, and so they could reach the west side, whereas upon the western route the country is about 40 miles wide.

3860. What distance would the people to the east of Shepparton have to come to get to Longwood?—Some of them near to Murchison.

3861. Did you not say they had the benefit of the North-Eastern line to Longwood?—What I mean to say is, that upon the eastern side they are already benefited to a certain extent by the North-Eastern line, because the half of them must of necessity be within nine or ten miles of that line at Longwood or Euroa and Violet Town, whereas on the western side we are 40 miles; at least the bulk of them are, it would be 40 miles across.

3862. You think a great many people would avail themselves to the west and on the south side of the Goulburn, to the west and north of Shepparton—more people would take advantage of the railway line than would be the case from the east side?—On the north of Shepparton?

3863. Yes?—It is practically the same.

3864. But not to the north of Shepparton, in the Waranga shire, and stretching away west towards the Echuca line, there would be more persons to avail themselves of the railway than there can be upon the eastern side—is that what I understand from you?—Yes.

3865. Now, supposing the line is carried down the eastern side of the valley, how will the settlers on the western side be affected by that?—They would be affected in this way; that as they are already supposing the terminus were at Tatura, there would still be a great many of them that had to go fifteen to twenty miles, and if it goes on the eastern side of the river, they would have to go to Murchison, that would be some fourteen miles further.

3866. They would either have to go to Murchison or Shepparton?—They would not go to Shepparton, because they would be carrying their produce up the country and adding 14 miles railway charges to it.

3867. The people living west of Tatura could not get to Shepparton?—They could get to Shepparton, but it would be waste of labor, and waste of time and of money.

3868. You mean to say that the population from there would all go to Murchison?—They would have to go to Murchison.

3869. But that would be carrying the railway a still further distance from those settlers who have already a long distance to go now, even if they had to go to Tatura?—Yes.

3870. Then it is giving the settlers upon the west side a much greater distance to go to Murchison than if they could go to Tatura?—Yes, double the distance nearly.

3871. Is Tatura a point which most settlers on this side would make?—It is a point that we have settled to be the best, after a good deal of trouble to find out what is the best site that could be for a railway station, and we have all decided that Tatura is the best possible point for a station to be put up; it would draw the traffic all round.

3872. Your opinion is, that if the line were carried on the east side, it would be no great advantage to persons on the east side?—If the line were carried upon the eastern side, it would be only a partial benefit to those on the eastern side, because only the half of them would require it, and it would be a very great hardship to make us go that distance for the sake of the few that would be benefited upon the eastern side.

3873. Are you aware of the difference of distance between the roads on the eastern and western sides from Shepparton to Avenel?—From Murchison to Shepparton would be about 18 miles, on a rough calculation.

3874. No; the distance between Shepparton and Avenel on the east side of the river, and Avenel and Shepparton by the west?—It is a little further by the west side.

3875. Between two miles and three miles?—It might be a couple of miles further.

3876. Do you think that that increase of distance on the western side would be a sufficient reason for not having the railway on the west side, considering the number of people who have to take advantage of it?—No, it is not a sufficient reason, it is no reason at all; it is nothing.

3877. A mere two miles would be nothing, as compared with the injury which would be inflicted upon a very large population?—A mere trifle.

3878. Do you know anything of the settlement to the north of Shepparton, in Moira?—Yes, I do; I have reason to know, because my attention was drawn to it the last time I was in Melbourne. It was stated in the House that twenty-two selectors had left Tatura; I happened to have taken some of those declarations, and I know they were men that never had an acre of land before, they simply went north of Shepparton, because land was open for them there that they were unable to get in our district. The other cases I know of were young men, just come to the right age, and their fathers sent them there and helped them through the best way they could; that I know of my own knowledge.

3879. But what I ask is this: will not the population north of Shepparton and Moira be equally benefited by that railway, whether it goes on the east or the west side?—Yes, equally benefited.

3880. Therefore the population to the north of Shepparton may be put out of the question, as regards this railway?—Quite so.

3881. The route of the railway does not concern them at all; they would just have as much benefit from the railway one way as the other?—Just as much.

3882. *By the Hon. H. Cuthbert.*—I suppose that you reside upon the eastern side of the river?—I reside upon the western side of the river.

3883. You know the river tolerably well?—Yes, I know the river well.
3884. For how many miles?—I know the whole of it from Murchison to Shepparton, and I know it a little further.
3885. And from Shepparton to Seymour?—Yes, I know it all.
3886. I suppose very little has been done to the river, it has never been properly utilized?—I do not think much has been done to it.
3887. What kind of a river is it?—It is a very heavily flooded river at times, and at other times it is nothing particular. It takes heavy bridges to cross it.
3888. It is subject to floods?—It is subject to floods.
3889. And at other times nothing particular—now is it properly described in this way, as a fine, broad, deep, and ever-flowing stream?—I could hardly give it that description myself.
3890. It is an ever-flowing stream?—Yes, I think it is an ever-flowing stream.
3891. It is a broad stream?—Yes, it is broad.
3892. I mean, having regard to the few good rivers in this country?—Yes; but my idea of a broad flowing river would be such a river as the Yarra below the Falls. I should call that a broad flowing river.
3893. You would not call a river 200 feet wide broad?—I should not call a river a broad flowing river that was subject at times to be so low as the Goulburn is.
3894. Is it not much wider than the Yarra?—I think it is not.
3895. Three times as wide?—I do not think so.
3896. Twice or three times as wide?—I do not consider it is twice or three times as wide.
3897. Is it not from 200 to 300 feet wide in some places?—I dare say it is.
3898. By means of that river, do you not think the trade could be brought as far as Seymour—put a few docks upon it, and clear the river—could it not be made navigable?—It might by locks; I have always entertained the opinion that it might be made navigable by having locks.
3899. Then you think it would be quite possible with an outlay of a few thousand pounds to render that river navigable?—I could not say the amount that would be required; no doubt it would be a large amount.
3900. Do you think with such a river as that it would be advisable to go to the expense of putting two bridges across it?—Yes, I do.
3901. Would not that interfere with steamers going up it to Murchison?—If it was seriously intended to make the Goulburn a navigable river, of course that would have to be provided for.
3902. You have told me you resided upon the western side of the river; where do you reside?—I reside about 14 miles from Murchison, to the north-west of Murchison.
3903. Near to Mr. Winter's property?—I live one mile from the north-western boundary of Mr. James Winter's property.
3904. Did you select any land there?—Yes, I selected.
3905. How many acres?—Three hundred and twenty.
3906. Are you residing upon the land?—The whole period.
3907. Do you follow any other business besides that of a farmer?—No, none other.
3908. And you are anxious to see this line carried through Mr. Winter's property?—No, I am not; it does not affect me whether it goes through Mr. Winter's property, or not. I am not anxious on that account.
3909. Not on that account?—No, I am not anxious on that account.
3910. As I understand your evidence, you are as well acquainted with the country on the east side as on the west?—No, not equally well; but I am sufficiently acquainted to give an opinion upon it.
3911. Has much selection taken place lately on the eastern side?—No, I think not; in fact, I am certain in my own mind that there has not.
3912. There has been a forest spoken of here—a box forest and gum forest—are you aware that within the last month 15,000 acres of that has been selected?—I am aware that to the north-west of Mooroopna a lot of land has been selected within the last month, but I am certainly not aware that the north-west of Murchison has ever been selected.
3913. You are not aware of it?—I am not aware of it, there may be a few odd blocks.
3914. To the north-east of Murchison are you aware that any land has been selected in the place I have described, as a forest covered with trees, box and gum, to the east of Arcadia; are you aware that 15,000 acres of land have been selected within the last four weeks?—No, I am not aware of it—to the east of Arcadia.
3915. What description of land is there to the east of Arcadia unselected?—What I have seen of it is a flat country, and it is pretty thickly timbered in most places, and I consider it very poor land, the bulk of it.
3916. Unfit for wheat?—I should not like to take the chance of it.
3917. If men of respectability come here and say that it is first-class land for growing wheat, and could be cleared at an expense of £2 the acre, good black soil, are you prepared to contradict them?—I am prepared on my own judgment to contradict them flat.
3918. And to say it is not fit to grow wheat?—I mean to say this much, that if I had to take up land to grow wheat, I should be very sorry, as a practical man, to take such land.
3919. You say it is unfit?—No, I do not say so. I say I should be very sorry, as a practical farmer, to go and take up such land and try to grow wheat upon it.
3920. Even if you had a railway near it?—What is the good of the railway if the land will not grow a crop. I can give you an illustration of what men think of that part of the country; I myself, with many old neighbours from a farming district came up some five or six years ago and had an opportunity of taking up this land, and we were so convinced of the difference of the soil, that we looked upon distance as nothing, we would rather go and put up with the privation of going right away into the district of Rodney to get good land, in preference to taking this, that was likely to be within a short distance of railway communication.
3921. Did you take into consideration this, that the line of railway was laid out upon the east side, when you selected your land?—It was not.

Mr. R. T. Beasley,
continued,
29th August 1877.

3922. There was no mention then, when you selected your land of any line of railway?—Had I no notion of it?
3923. Yes?—As soon as we had the least possible time to spare from clearing the ground, we set to work to get a railway league to try and have a railway.
3924. Are you a member of the league?—Yes, I was chairman of the first meeting held.
3925. Then we have Mr. Goddard examined as secretary and you as chairman?—No, I was chairman at the first meeting of the selectors.
3926. Have you continued to be a member of that league?—Yes, ever since.
3927. And you have taken an active and foremost part?—Yes, I have always taken my share of it, I considered it part of my duty as a farmer.
3928. *By the Hon. N. Fitzgerald.*—Are you competent to judge of the grazing capabilities of land?—I think I am.
3929. What do you consider the grazing capability of land, east of Arcadia, that you went to look at and would not select?—I should think, speaking reasonably, it would take 20 acres in all months of the year to keep a beast.
3930. And a sheep, what do you think it would take to keep a sheep?—A sheep to three acres of run, and that be remarkably well, I should think.
3931. *By the Hon. W. Wilson.*—How long have you been in the valley of the Goulburn?—About six years.
3932. Have you any knowledge of the station or run known as Ardpatrick or Cooma?—Yes, I have been round them.
3933. Have you seen that station before it was turned to agricultural purposes?—Yes.
3934. How many sheep do you think that station would carry in its natural state per acre?—Without the timber being cleared or anything?
3935. Yes, anything?—I should think it would carry a sheep to two acres.
3936. Are you aware a sheep to four acres was starved upon it?—No, I am not aware of it.
3937. Then you hazard the opinion that three acres will carry a sheep on the other side of the Goulburn?—I say it would do well to carry it, that is what I say.
3938. Do you consider the country about Ardpatrick or Merrigum—do you know it?—Yes.
3939. I take from Cooma home station back to Merrigum, twenty miles?—Yes.
3940. Do you consider that country superior to the country twenty miles east from Shepparton?—How do you take your bearings?
3941. I am giving you east?—Do you mean north of Shepparton or south of Shepparton?
3942. No. Take east from Shepparton on the one hand, and west from Shepparton on the other?—But allow me to say there is a good deal of difference, whether you take north or south of that particular line.
3943. I will take south of Shepparton then, if you please, and I will take west as far as the Cooma side is concerned?—Yes. Do I consider that superior?
3944. Yes?—Yes, I do.
3945. For stock rearing?—Yes, for anything.
3946. Under any circumstances?—Yes, under any circumstances.
3947. Is it denser with scrub?—There was some umbrella scrub, as we used to call it, but nothing very great. There are portions of it all over the district where the umbrella scrub is thick, and has been thick, we know that; but that does not affect the quality of the ground.
3948. That is just what I want to come at, if I can—the natural capability of the grazing quality of the land, having nothing to do with its subsequent value for growing wheat when cleared?—I do not say that.
3949. You mean that in that district the scrubbiest and worst portion of the land, and the least useful for grazing purposes, turns out to be the best for wheat growing purposes when it is cleared?—Yes, at least as good as the other. It does not affect the question at all.
3950. Then the question that was asked you, as to the grazing capabilities of the ground on the eastern side has nothing to do with the value of the land for wheat?—It may or it may not; it does not follow of necessity.
3951. *By the Hon. J. Balfour.*—But you give it as your opinion that the land east of Arcadia, leaving grazing out of the question, was not good land for wheat?—Yes.
3952. *By the Hon. F. S. Dobson.*—When you first came up to the district with those people, did you go close to the line between Murchison and Shepparton?—I have been in the district; I could not tell what particular line. I did not know the country very well then. I went over the country.
3953. A good distance of it—how much?—Ten, fifteen, or twenty miles.
3954. How many were there of you?—Sometimes two, sometimes half a dozen. We used to go foraging about to find the best land.
3955. All practical farmers?—Yes.
3956. *By the Hon. Sir C. Sladen.*—I believe you are a justice of the peace, are you not?—Yes, I am.

The witness withdrew.

Mr. E. Brown examined.

Mr. E. Brown,
29th August 1877.

3957. *By the Hon. Sir C. Sladen.*—You are the shire engineer of Benalla I believe, are you not?—I am.
3958. Can you give us some information as to the east side of the Goulburn Valley line of railway?—Yes, for a certain distance.
3959. You have a knowledge of the population settled on the east side of the Goulburn Valley?—I have not.
3960. *By the Hon. Sir C. Sladen.*—I was in hopes you would be able to give us some information about the east side?—I know nothing at all of the population; not to give an estimate of the number of people, I have no pretensions to that.
3961. You can give some idea, can you not, of the number of ratepayers in the shire of Benalla?—I have no knowledge of it, it is not a part of my business.

3962. Do you know the line of railway which is surveyed between Shepparton and Murchison, on the east side of the river?—Yes.

3963. Have you resided long in this part of the world?—23 years.

3964. Then you have experienced some of the floods of the Goulburn, I suppose?—Yes.

3965. Are they frequent?—No, they are periodical, but with long distances between. I remember the flood of 1863, also 1870, 1872, and 1873.

3966. That is four floods since 1863. Is that the extent of the floods since that time?—Those are the most important ones.

3967. How far would any of those floods have affected the line of railway which is at present laid out to run upon the east side of the river?—I do not know any point of the projected line that it would affect.

3968. Would there have been any difficulty in any one of those floods, in getting from the nearest point of the railway to the Murchison Bridge?—Yes, there is a low place, perhaps three or four chains, that forms a part of the river, a sort of an ana-branch, but it is used generally as a road, perhaps in the flood time that would be five or six feet deep, in extreme floods, at the deepest point.

3969. For how long would that be likely to be the height or depth?—That depends upon the continuation of the flood.

3970. That is just the point I want to ask you about?—I cannot give an idea.

3971. You say you have been there 23 years, and have experienced four high floods since 1863?—One flood continued three weeks, that is it was broken for a few days between, but the floods of 1870 continued over a space of three weeks.

3972. Would that distance from the Murchison Bridge have been impassable during those three weeks?—I should imagine so.

3973. Would it?—Oh, yes.

3974. Is the country to the east of Shepparton easy of access or not to Shepparton?—Yes, it depends upon what part you mean; if you will name any locality upon the map, I can tell you.

3975. There are not many names down here; there is one section I see here marked "Pine Lodge"?—That is just half way between Nalinga and Shepparton; that would become tributary to Shepparton in the event of a railway existing.

3976. Upon the map there must be five times the distance between Pine Lodge and Nalinga that there is between Pine Lodge and Shepparton; is it the same place?—One is 22 miles, and the other is 18 miles; they call it half way, broadly speaking.

3977. Upon the map it appears only about 8 miles; is it a different place?—Pine Lodge station and Pine Lodge Bridge are very different things; that is Pine Lodge station upon the map. We hardly recognise the station in the country.

3978. You know the spot then?—Yes.

3979. Pine Lodge is about mid-way between Shepparton and Dookie?—Rather nearer Shepparton than Dookie.

3980. From there is the country easy of access by road to Shepparton?—Yes, it is a very good road, except on the Shepparton side; for about 5 miles at the Shepparton end.

3981. It is not so good there?—It is not made.

3982. How long has the country to the east of Shepparton, between Shepparton and Pine Lodge station, been settled?—From five or six years up to the present day they have been selecting there.

3983. Within the last five or six years?—Yes.

3984. Do you know the country on the opposite side?—No, not to be an authority on it; I just know the Goulburn pretty well on both sides from Shepparton to Murchison; my boundary ends there; that is, the shire I am connected with.

3985. Is there any information you can give to the Committee relative to the advantage that a railway line from Shepparton to Avenel would be if made upon the eastern side of the river?—I do not know any difference myself; I do not advocate any line, only I was asked if I could give any information in respect to levels and bridges, and matters connected with my own profession.

3986. *By the Hon. H. Cuthbert.*—What is your profession?—Civil engineer.

3987. Before you were appointed engineer for the shire of Benalla, what were your duties previous to that?—I was in various ways; digging.

3988. But I mean as an engineer?—Before I became engineer to the shire—that was the first position I took in Victoria as a civil engineer.

3989. As I understood your evidence, you know the two proposed routes, one on the western and the other on the eastern side of the valley?—Yes, I know them, I may say.

3990. Now do you think, so far as the lines are concerned, there is any material difference between the levels on either side of the river?—I do not.

3991. Would you shortly describe to the Committee the formation of the ground on each side of the river; describe the banks on each side?—If it were possible to give a section of one side and reverse it, it would very nearly approach to a description of both; there are large flats, the river itself—what ought to be termed the river is an enclosure between the two highest banks—the stream itself runs circuitously through the flats. The open flats extend, in some places, a distance of three-quarters of a mile or wider, to my knowledge, and in other places they are drawn in to two narrow banks enclosing the whole stream—those banks are very high. In speaking of the rise and fall of the river, the river rises in the narrow places as many feet as it does inches in a broad place. It is impossible to give a correct idea of the rise of a river, unless it is from a given point or a standard laid down; the rise in the river in the narrow place is something extraordinary. The banks of the Goulburn River at Neurillin, at Shepparton, and along that side are equal, pretty well, to 30 feet from the surface of the ground to the stream; that is the summer level.

3992. The banks, then, are 30 feet higher than the summer level?—Yes, quite.

3993. During the whole of the twenty-three years you have been there, have you ever known, in any floods, that the banks were overflowed?—Never, the high banks. The local people have cultivated these flats in many places, and it is considered a great flood when they are sometimes swamped out.

Mr. E. Brown,
continued,
23rd August 1877.

3984. As I understand your description of the Goulburn, it is this—that, in some places on the western side, the banks are 30 feet high, and on the eastern side they stretch out, and the ground is flat and then rises; the embankment on the other side may be half a mile away, but it is still as high as that upon the western side?—Yes, that is the idea.

3995. And you advance a few miles further on, and the picture is reversed; is that it?—That is it, as near as I can describe.

3996. So that, with the line upon the eastern side, it is not intended to run along the flats, but take the high bank?—I think 18 or 20 miles of the eastern side runs along the three-chain road belonging to our shire; so I know the position very well.

3997. What would the first duty of an engineer be, receiving instructions to lay out a line of railway either upon the east or west side of the river; what is his first duty in connection with the river?—His first duty would be to ascertain the highest flood levels from recognised marks, or the oldest inhabitants, or some other certain means, such as marks upon trees, or the debris left from the relics of a flood.

3998. You have had an opportunity of observation during your 23 years, and during the highest flood of all, I think you said in 1870—am I right in saying that the highest flood was in 1870?—Yes, 1870.

3999. Far higher than any other?—Yes.

4000. How much, do you remember, did the flood of 1870 surpass that of 1863?—At Neurillin, that is Mr. Miller's station, I was there shortly after. I was ordered to ascertain what damage the floods had done to our shire, in 1870—the floods occurred in September.

4001. And you were directed to ascertain the damage?—To apply to the Government for some assistance to repair the damage done. Well, at Neurillin, Mr. Miller showed me the highest flood-level that he knew, and that was in 1863, and as near as I remember, there was a difference of 3 feet six at that point, at which place the river flats are equal to pretty well three-quarters of a mile.

4002. So that in 1870 the flood rose $3\frac{1}{2}$ feet beyond the flood of 1863?—Yes.

4003. Then the floods in 1872 and 1873 were not nearly so high?—I imagine they were not so high as the flood of 1863.

4004. Having ascertained that, as you are aware of the highest flood-level, and from your knowledge of the eastern line, do you consider that there would be any danger to be apprehended from constructing a line of railway along the eastern side of the river—any danger to be apprehended from flood-waters?—I have constructed bridges over the leading creeks running into the Goulburn along this road; to do so I have had to run my levels from the highest point, because it had been reported to me by residents that the back-water of the Goulburn affected those creeks to a certain distance up; consequently, it became me to secure my work, as being above flood-level. I have also effected a considerable amount of drainage along the same road, and if I were now ordered by my employers to lay out a line of railway, and not be for the Government, I should first of all consider how cheaply I could make it, and I should think myself perfectly safe in adopting the cheap and same principle that they have upon the Echuca line.

4005. What principle is that?—That the railway formation should consist simply of what is taken out of the banks, and ballast it. There is, in most places, very little embankment required anywhere.

4006. So that to come back to the question I put to you—do you consider, knowing the line that is marked out upon the eastern side, that that could be constructed without any real danger to be apprehended from floods or flood waters?—I do.

4007. Even constructed in the same way as the Echuca line was?—That is what I speak of.

4008. But constructed as suggested by Mr. Higinbotham, namely, with an embankment 3 feet high, it would put it beyond all risk, there would be no danger then—no possible danger?—If the one is dangerous, the other would be. A high embankment only dams the water back upon the watershed of the upper country.

4009. So that you think there would be no danger without an embankment?—None at all.

4010. Now we have heard a good deal about the great influx of water at the Broken River—I think that is the name of the place that Mr. Sheppard so graphically described yesterday in his evidence—do you know the Broken River?—Yes; we are constructing a bridge over it at the present time.

4011. Did you hear Mr. Sheppard's evidence yesterday?—I did.

4012. He said, in his evidence, that the flood came up and rose 20 or 30 feet at one place—he had to get people out of the tops of trees—can you explain in any way that evidence to the Committee—do you believe that that is correct?—My conclusion was, that Mr. Sheppard must have arrived there and settled in one of the lowest spots imaginable in any district, because if water rose above the banks of the Broken River to the extent that Mr. Sheppard described yesterday, there would be no land visible, in my opinion, up to Khull's Range, a distance of fourteen miles, for it is a dead flat all the country round there. I can only find a fall of 3 inches in 71 chains in my last levelling along.

4013. You say that you are engaged in constructing a bridge over the Broken River, would you give me about the length of that bridge?—The bridge over the Broken River is being built by two shires conjointly. My plan for that was 450 or 460 feet, I forget which; and the plan has been subsequently altered, and one bay added to each end, 15 feet, so that it is about 480 or 490 feet long.

4014. Can you recollect about what the cost of constructing that bridge was?—The present contract I think is about £1650 or £1660.

4015. Now, as I understand, whether the line goes the eastern or the western route, the Broken River has to be spanned in either case?—Yes.

4016. A number of creeks were spoken about as showing that it would be much more difficult to construct a line of railway upon the eastern side than on the western—now can you tell me how many creeks there are from Shepparton—creeks of any importance—creeks deserving of the name—between Shepparton and Avenel, starting from Shepparton and coming down towards Avenel?—After leaving the Broken River, the first creek would be the Seven Creeks.

4017. The next?—That is bridged by our shire.

4018. We will take the creeks first in their order—how far is Seven Creeks from Shepparton?—They call it I think 8 miles.

4019. The next creek that you come to would be what?—Castle Creek.

4020. How far is that from Shepparton?—About 8 miles further on.

4021. About 15 miles from Shepparton—the next creek that you come to is?—That would be Muddy Creek.

4022. How far would that be?—About 6 or 7 miles.

4023. About 20 or 21 miles from Shepparton?—Yes.

4024. Does that embrace all the creeks of any importance that have to be spanned over in the construction of this railway?—I imagine so, that is all within my jurisdiction at any rate.

4025. That brings you almost down to Murchison?—Within 4 miles of Murchison.

4026. Then we have you within 4 miles of Murchison; and all that have to be spanned over are those three creeks you have spoken about—now we will come to the cost of those bridges—you put a bridge over the Seven Creeks?—Yes.

4027. What was the length of that bridge?—270 and some odd feet.

4028. Do you remember what the cost of that was?—£960 or £970; I know it is something between £900 and £1000.

4029. Is there much difference in the cost of constructing a bridge for railway purposes and for road purposes?—There ought not to be, that is a timber bridge.

4030. I understand that all these bridges are to be constructed of timber?—Yes.

4031. You say that there ought to be no material difference between the two. Will you explain to the Committee why there ought not to be?—In the first place, a railway bridge is much narrower; there is no superstructure to it; it is only simply pile-driving, bracing, and longitudinal beams for the reception of rails, or rather sleepers.

4032. As to the under work?—What we save on the upper work would be expended on the under work of a railway bridge, and the estimate would amount to somewhere about the same—that is my conclusion. I think what Mr. Watson stated yesterday, £4 a lineal foot, is about right. It happens to be within three or four shillings of our average contracts, and I may state that we have built more bridges than all the shires, pretty well, in Victoria combined—timber bridges.

4033. Having got over the first difficulty that met us for about £960, we come to the next, Castle Creek. Have you put a bridge over that?—Yes.

4034. At a cost of about how much?—I think about £250.

4035. And the length of the bridge is about 56 feet?—Yes, something over that—a very little.

4036. That is two of the creeks disposed of, and we come to the third, Muddy Creek. Have you put a bridge over that?—We have not put a bridge over that, but we have a price for it, £200.

4037. What would be the length of that bridge?—Fifty-five feet, I think. Muddy Creek is an extremely deep one—it is not difficult to span at all—the flood waters seldom rise anything above the surface of the ground.

4038. Then generally having heard Mr. Watson's estimate of the probable expense of the construction of these works, do you come from your actual experience to about the same conclusion as he did, and say he is about correct?—I thought the length of bridging shown by him was rather extravagant.

4039. But as to the cost, leaving the length out of the question?—The estimate as regards the price per foot was right, as far as we have shown or known by experience.

4040. We have heard a good deal about this low-lying land at Murchison to connect the bridge with the railway station—what do you think the road could be made good for?—That is out of my shire; but I know the place very well. It was stated by one witness yesterday at £700, but I do not think £700 would do it, but I think £900 or £1000 would make a very good job—that is, to take the traffic over the low place and the nasty approach, and improve a good piece of the road.

4041. I think that putting a similar question to Mr. Hanna, he was going to construct earthworks, and he put down an estimate of £4000 or £5000. How would you construct it?—I should pile it across, because earthworks are not trustworthy, with the floods there occasionally.

4042. Would that be a great saving of expense?—It would in this instance, earthwork is cheaper in other matters.

4043. Do you think the road you would construct for £900 would be safe and secure at all seasons?—I think one witness stated there was a depth of 9 feet of water during the floods of 1872 or 1873. To my knowledge, a resident of that township has built a house which, I think, cost him between £4000 and £5000 subsequent to 1872, and the floor of his house is somewhere about 6 or 7 feet above the lowest place spoken of, and it is close to this place—it is between the river and this low place.

4044. Has he been flooded out from time to time?—I think not; but he having known the flood level, I conclude that he has built his house safe from all future floods.

4045. His house is 5 or 6 feet above the lowest point?—Six feet, I think. I saw the gentleman here.

4046. What is his name?—Thorne.

4047. He is the gentleman that had this house built?—He has lately completed it.

4048. Do you know this country called the Molka country?—Yes.

4049. Whereabouts does that lie, is it near Arcadia?—It is the next agricultural area to Arcadia.

4050. It is the land that I was describing as box forest to the last witness that was here; do you know whether any settlement has taken place there lately or not?—Yes, I see selections marked out, and things of that sort.

4051. Can you give the Committee any idea what number of acres have been selected during the last month?—I cannot.

4052. Have you heard how many acres have been selected?—That Molka is not in the survey district of Benalla; it is in the shire of Benalla. I am not acquainted with the surveys—that is the office work of the survey department—only our own; I go in to know the particulars when necessary.

4053. But have you heard generally in the neighbourhood, how much of that land has been selected?—I was told to-day that 15,000 acres had been pegged out within the last three weeks or a month.

4054. Would you describe to the Committee what kind of land that is that has been recently selected?—In respect to its qualities?

4055. Yes?—I am not a judge of land; all I know is that it is a crab-holy country, but the farmers have taken it up there, and I have been told by farmers that it is inexhaustible for wheat-producing.

4056. What kind of soil is it?—Black alluvial deposit, touched with lime and sedimentary.
4057. What are the trees growing upon it?—Principally box and stunted red gum.
4058. Is there much white gum growing there?—I do not know of any, I never saw any of it.
4059. Generally, is your opinion favourable to that land for agricultural purposes?—I only go by what I have been told; I am no judge of soil. I do not know one farm from another scarcely.
4060. But from what you know, reported to you by farmers in the neighbourhood, it is good wheat-producing country?—It was suggested some time ago by a friend of mine in the neighbourhood there, that if the Government made main drains throughout this country at sections of say two miles apart, so as to enable selectors to drain into them again, the whole of the land would be jumped at once.
4061. In winter time is it very wet on account of the crab-holes?—Yes, and it is a dead level.
4062. And all this lot of water could be drained into the Goulburn?—The Goulburn is a long way off; it would drain into the adjacent creeks and little rivulets, and low places.
4063. *By the Hon. N. Fitzgerald.*—Until the last few weeks the selections were very sparse upon the land about Molka?—Yes.
4064. Very sparse?—Yes; very sparse.
4065. You have had a great deal of experience with farmers?—I have had no experience.
4066. I mean intercourse with them in your professional duties?—Casual conversation; just as I came into contact with them.
4067. As a class they generally understand their business, and if this land were of the character you described, good agricultural soil, only wanting a very small expense to make it productive, it would not have waited for this railway to make them take it up?—I do not know anything at all about that.
4068. Do you know in what part of the agricultural area of Molka these selections were made?—The only selections I have seen have been a few pegs. They had been pegging out during my last two or three trips in the district.
4069. How far are those spots where you saw the pegs from Euroa, or from any station, the nearest upon the North-Eastern line?—The nearest station would be Euroa. It would be nine or ten miles away from there down to Muddy Creek.
4070. From that point nine or ten miles to Euroa—how far would they be from Shepparton, or Murchison, or any station upon the proposed pink line?—I do not know where the stations are going to be placed.
4071. From the point where you saw these selections to either Murchison or Shepparton?—About seven or eight miles to Murchison.
4072. Then, practically, the existing railway would be as convenient for them as the proposed railway?—Just so.
4073. So that the fact of this proposed railway coming there cannot have caused those selections?—I do not know.
4074. You have said this railway runs parallel with the three-chain road for a great many miles?—Yes; runs upon it.
4075. Is that a made road?—No.
4076. It is only a proclaimed road?—It is the main high road from Shepparton to Muddy Creek.
4077. When the flood was on was the road flooded?—No.
4078. Not at a single point?—No.
4079. Then the embankment which the Engineer-in-Chief described as necessary would not be necessary at all?—No; not at all, except in low places, and that not on account of the floods; only for the maintenance of our own works to keep up the level of the work.
4080. And the line of railway would not cost more for maintenance than the western?—Not more.
4081. Is the western ground more liable to floods than the eastern?—No; they are equal.
4082. Then the cost would be equal?—Yes, because the ground is equal.
4083. And the overflow of water would be as great on the western side as upon the eastern?—I am not aware that it overflows anywhere. I do not know any single point where it does.
4084. You have told us about the back waters of the creeks?—The back water goes up the creeks; it does not inundate the land; none of the surrounding land; only the river land that is between the two main banks.
4085. Then, in point of fact, this railway upon the eastern side could run upon the level ground as well as upon the embankment?—I said so before.
4086. Are there any other creeks, such things as blind creeks upon this line?—Yes.
4087. Any number of them?—Yes; any number. I have not counted them.
4088. There are many?—I suppose so.
4089. But in making the road?—I have not made the road.
4090. Are there no bridges over these blind creeks upon that road?—No, they are not of sufficient importance; our bridges are only over the main creeks.
4091. Has traffic ever been stopped through the overflow of water in these blind creeks?—No, not that I am aware of.
4092. Could that have happened without your knowing?—I think not.
4093. We all know that there is a very heavy flow of water in those blind creeks?—Perhaps, but it is never complained of.
4094. Is this road used at all?—Yes, it is the main high road from Shepparton to Euroa.
4095. Then it would be a cross-road?—No, it is the main road.
4096. How far would you go down the road before you turn off to Euroa?—About 14 miles.
4097. Then, except these creeks which you describe, there would be no viaducts or bridges required at all upon the Eastern railway?—Mr. Higinbotham told you yesterday that there were a few culverts required—bridges of a minor character; you can hardly call these bridges, they are simply culverts.
4098. I understand these to be over blind creeks; now when you said a considerable amount of drainage (if there were no embankments) would be required, I understand you to say that embankments could be got rid of entirely in the construction of this line, if there were a considerable amount of drainage?—Yes.

4099. Would that be costly ; would the drainage have to be along the whole length of the line ?— Yes, of course.

4100. At what depth ; I understood you to say that the amount of soil thrown up from the drainage would make the embankment ?—Yes.

4101. We have evidence that the embankment would have to be 3 feet ?—I do not think that is necessary ; the 3 feet is no evidence at all, because this survey has not been permanently made, that you speak of, and there is no estimate of what would be necessary, and 3 feet in one place would not require perhaps 6 inches in another, and the average cannot be arrived at.

4102. Then the drainage would add very little to the cost ?—It would be a benefit to the road.

4103. And not add much to the cost ?—By no means.

4104. According to this, this line ought to be made very much cheaper than the line upon the western side ?—I do not know anything about the cost on the western side.

4105. Do you think the drainage would be also required upon the western side ?—It is precisely the same character of country.

4106. You would not require those bridges over the creeks ?—Not that I am aware of.

4107. But you would require two bridges over the Goulburn ?—Yes.

4108. Would they cost more than the bridges you have described ?—It depends upon the length of those bridges. I have said that the estimate of the Engineer-in-Chief was exaggerated ; I think the bridges are in excess of what would be required, as far as the length is concerned.

4109. But the bridges over the Goulburn, what length would they require to be ?—One bridge was stated to be 1800 feet, I think.

4110. That was on the eastern side ?—No.

4111. Would the bridges on the eastern side railway over those creeks equal the amount that the bridges over the Goulburn for the western side of railway would require ?—I think not.

4112. What would be the difference, from what you know, of the bridges now over the Goulburn ?—Bridges could be constructed over the Goulburn at a much lower estimate than was stated yesterday.

4113. And you think the cost of the bridges would be equal on each side ?—Yes, I think so, if the bridges of the Goulburn were reduced to the minimum length.

4114. It would simply be the cost of earthwork ?—That is all.

4115. And you think the maintenance of the railway, on the western side would be quite as great as the cost on the eastern ?—I think so.

4116. Would the piles of those bridges not be liable to decay—must they not be repaired occasionally ?—After the lapse of years.

4117. A long number of years—red gum would be available ?—Yes, or box.

4118. Practically, that would not come to anything ?—No.

4119. *By the Hon. J. Balfour.*—You have resided in Benalla a considerable time ?—Yes, I have.

4120. Have you resided in the Goulburn Valley at all ?—No.

4121. Only visited it ?—Only visited it.

4122. Have you gone over the two proposed lines ?—No, only a portion of one line.

4123. Which ?—The Eastern. I know the eastern side of the river pretty well, from end to end.

4124. Do you know the western side ?—No, not from end to end.

4125. You have told us that the banks of the river alternate on each side, sometimes high and sometimes low ?—Yes.

4126. One side is like the other ?—Yes.

4127. Do you know that the pink line keeps much closer to the river than the blue line ?—I do not know which is the eastern and which the western by the color. Do you mean the eastern side or the western ?

4128. The pink is the eastern side, the blue line is the western ; the red line is closer to the banks of the river than the blue one ?—Yes.

4129. Would there not be this difference in the construction, that in the blue line there would not be the same flats that you speak of to go over ?—The flats are not extensive at all—the widest place I know is not a mile and a half.

4130. Do you mean to say that the red line never goes over any flats ?—I do.

4131. Never ?—Never.

4132. Then the red line does not go over any flat ground that would require to be banked up ?—I have stated that before.

4133. Then, if you are told by the Engineer-in-Chief that it requires an average of three feet embankment, you do not agree with him ?—No.

4134. Is the nature of the land upon the eastern side, as far as you know, similar to the land about Benalla ?—No.

4135. Which is the best ?—Benalla land is considered the best, I suppose, though there are some very fine farms along the eastern side of the line. There are 18 miles of country taken up and under cultivation, and have been for some years.

4136. But the land east of Arcadia has not been taken up ?—No.

4137. That is clayey ?—Strong clay.

4138. You would not think it good soil ?—I would not myself, but I have been told that it is very good for wheat producing, by people cultivating it.

4139. Are there a great many creeks in the road district you are the engineer of ?—Yes, an immense number.

4140. And this part of it has its fair share ?—Yes.

4141. Have you ever constructed any railway bridges ?—I have not.

4142. Or had anything to do with railway work ?—No, not in Australia.

The witness withdrew.

Mr. Thomas Lancaster examined.

Mr. T. Lancaster,
39th August 1877.

4143. *By the Chairman.*—What is your trade or profession?—Farmer.
4144. Where do you reside?—Kyabrum East, on the geodetic to Rochester.
4145. *By the Hon. Sir C. Sladen.*—Is that near to Murchison?—I am 26 miles from Murchison.
4146. Whereabouts is your place?—I am 28 miles from Rochester, 26 miles from Echuca, 20 from Shepparton, 26 from Murchison, and 14 from Tatura; I am in the back districts that are most interested for the line upon the western side that have been very little talked about.
4147. Have you been long in this country?—Sixteen years.
4148. Living in the same locality?—No, I lived for eleven years at Lancéfield.
4149. How long have you been living in this neighborhood?—Three years.
4150. You have selected land, I suppose, in this neighborhood?—Yes.
4151. Where do you go for your letters?—I have a loose bag left at my place.
4152. Which is the nearest post-office to you?—Wyuna.
4153. Where is that?—About 22 miles from Echuca, on the three-chain road from Echuca to Shepparton.
4154. Can you give the Committee any information with reference to the subject which we are inquiring into now?—As a farmer, I can.
4155. Would you have the goodness to do so?—I know a little of both sides of the river, and have done for the last seven or eight years.
4156. You know the east side as well as the west?—I know a little of the east side. I have travelled with a thrashing machine four or five years ago upon the east side of the Goulburn.
4157. You have some idea of the settlement upon the east side?—Yes, I have.
4158. What part of the east side have you been to?—I have been all over it.
4159. How far east of Shepparton have you been?—From Murchison to Shepparton, and Shepparton to Violet Town.
4160. Is there a great deal of agricultural population there?—The chief part of the agricultural population is up the Broken River, and a strip not a great distance from the Goulburn River, the largest number of the population.
4161. That is no great distance from Shepparton?—No.
4162. But you say you went with a thrashing machine from Shepparton to Violet Town, then there is some other agricultural area between those two points?—I was not thrashing on that side of the river, I was thrashing north-east of Shepparton.
4163. What information can you give the Committee as to the settlement on the east side of the Goulburn?—I know the east side of the Goulburn, I went there to look for a selection; I crossed the Broken River in the night, and in the morning the river came down and I was detained eight days on the eastern side, so that I got to look over it well, and I could not find any that I would select, it is very patchy. There are some good blocks on the eastern side, and there is a very large area that, in my opinion, never will be selected; it is a white spewy clay, a horse can scarcely travel over it if it comes a thunder shower. I took a horse one day, but was obliged to leave it; this was in 1873.
4164. Was this while you were looking for country to select, was it upon the Broken River?—It was upon the eastern side, between Murchison and the Broken River. I was all through Kialla.
4165. Between Murchison and Shepparton?—Yes, on the North-Eastern line.
4166. What was your furthest point east of the Goulburn when you were looking for land to select?—I was through the whole district up to the North-Eastern line, nearly up to Benalla, Major's Plains and Coy's Ranges.
4167. Did you go through this forest of box, called Molka?—I did.
4168. What sort of land is there?—It is very poor land, the gums spoken about there are large, gum swamps scattered about in different parts of the district.
4169. Is that the same kind of land that there is generally between the Goulburn and the North-Eastern line?—No, there are some patches that are very sandy soil.
4170. Better or worse?—Better, and there are some patches of good agricultural soil.
4171. Is this land in the Molka forest as good as the land along the Broken River, at a distance of seven, eight, or ten miles east of Shepparton?—No, it is not so good.
4172. I see there is a good slice of land taken up about Shepparton, is that the best land in the neighborhood?—Yes, that is the best land.
4173. Is that very good land?—It is the best of the land.
4174. Is the land on the east as good as or better than that on the west?—It is not to be compared with it.
4175. Are you speaking of it now as agricultural land or as for pasture?—I speak of it as for agriculture.
4176. What is about the capability of it, what crops of wheat per acre are grown upon that land which is taken up in Morangashire?—From 16 to 30 bushels of wheat.
4177. Is that considered a good crop?—In a moderate season, the seasons have been rather too dry.
4178. This is all new land?—It is all good land.
4179. For how many years has any of that land been broken up?—Some of it five or six years, and some of it only three.
4180. Is that about the average yield during that time?—The seasons have been very dry since it was selected; the whole of that land, about 25,000 acres, was selected in about a month or five weeks.
4181. And the average yield of it was from 15 to 25 bushels?—From 16 to 30 bushels, last season it was not so much as that.
4182. Do you happen to know what the yield for the same period was upon the east of the Goulburn Valley, to the east of Shepparton?—It was not so much.
4183. How much was it?—The average was from 10 to 20 bushels. I have several friends living in Kialla that took up selections there.
4184. Then you would think that the country upon the west side is more valuable than the country upon the east?—I do.

4185. And it is capable of carrying a larger population?—It is.

4186. Would it signify very much to the settlement to the east of Shepparton whether the railway went on the west or on the east side of the river, as far as the produce is concerned?—I think the eastern side would be well served with railway accommodation if the railway went on the western side, it would be then the best served of any agricultural settlement I have passed through in the colony.

4187. Would the population be able to take their produce to Shepparton?—Kialla would take it to Shepparton and Violet Town. I believe twenty-eight miles from Shepparton to Violet Town.

4188. Then Kialla would rather go to Shepparton than Violet Town?—Kialla, that part of it, six or seven miles of it, would come to Shepparton almost under any circumstances, because of their getting such a very good bridge across the Broken River.

4189. Would it be more convenient for the settlers in Kialla to go to Violet Town than to Murchison? would any part of the settlement on Kialla be easier of access to Violet Town than to Murchison?—Yes, I think so.

4190. Then if the line went upon the west side it would not benefit the population on the east side, unless they were within a few miles of Shepparton?—I do not think they would require it, they would have railway accommodation.

4191. But, if there is any population on the east side, they want to get rid of their produce the same as you do on the west, do not they?—Yes.

4192. There is a population on the eastern side, opposite to Murchison?—There is no settlement there more than $12\frac{1}{2}$ miles from a railway station, even if it came upon the western side.

4193. There is a considerable population on the eastern side, where Murchison bridge crosses the Goulburn?—I believe it is only 20 miles to Murchison.

4194. Would that settlement prefer to go to Shepparton or to Murchison—they are much closer to Murchison?—Part to Shepparton and part to Murchison.

4195. Would they have any difficulty in crossing the river to get to a railway station upon the west?—They would have the difficulty that has been spoken of—the low place there.

4196. Is it the same difficulty that the people on the west would have in coming to the east?—Yes.

4197. Is the population as numerous upon the eastern as upon the western side?—Not to be compared with it.

4198. You speak from knowledge?—I speak from knowledge.

4199. You have no doubt about it?—I have no doubt about it.

4200. Is there a great difference in the number of population on the one side and on the other?—A great difference.

4201. What do you suppose is the difference, not taking into consideration at all the Moira, that is, to the north of Shepparton—what quantity of population do you suppose there is upon the eastern side that would take advantage of the Goulburn River Valley railway line, supposing it was made upon the eastern side?—More than three to one.

4202. You think you are not overstating that?—No, I would not overstate it; I would state it under.

4203. You have had great opportunities of informing yourself upon that?—I have. I was through the district on Monday; and I have been through the district pretty regularly.

4204. You know the line is longer upon the one side than upon the other?—Yes.

4205. Do you take that into consideration—the $2\frac{1}{2}$ or $2\frac{3}{4}$ miles, whichever it is, longer on the western side; do you think that, notwithstanding that, considering the larger population on the western side, the line should be made on the west side, notwithstanding the difference in length?—I do not think it is worth consideration; it would only be three half-pence per ton upon carriage.

4206. Is there any other information you could give the Committee bearing upon the question?—Just as to one creek; it is not the overflow of the Goulburn that does the damage upon the east side of the river; when the floods are coming down the creeks it gets no outflow from the creeks.

4207. *By the Hon. J. Balfour.*—You are a practical farmer, I believe?—Yes.

4208. Have been so for years?—Yes, I have been brought up one, and my father before me.

4209. You have always been a farmer?—Yes.

4210. We have heard that the land upon the eastern side of what is called Arcadia has very different accounts given of it. What is your opinion of the soil?—It is very poor; the great part of it is very patchy.

4211. Do you consider it good wheat growing soil?—I do not.

4212. What is the nature of it?—A light white spewy soil—a sort of loam.

4213. How far were you from Tatura?—Fourteen miles.

4214. Is that the centre of the wheat-growing population?—It is.

4215. As to the blue line, if it is constructed, which point do you think would be the place that most of the produce of the district would come to?—Tatura.

4216. Would it be a very large influx of produce?—Very large.

4217. As large as any station now in Victoria?—Far larger than any station now in Victoria.

4218. We have two petitions before the Council; one from those who wish the eastern line, and one from those who wish the western line; and I have been given to understand that the petition asking for the eastern line includes signatures from those who live somewhere away in the north-west, that is somewhere in your direction?—That is in the north-east, the other side of Shepparton.

4219. You live to the north-west?—Yes.

4220. It is to the interest of those living near you that the line should be made to the west?—Yes.

4221. Is it to the interest of those in the north-east that the line should be made to the east?—It makes no difference.

4222. If we have signatures to the petition from the north-east, what inference should we draw from that?—They were told that if it came on the western side the terminus would certainly be at either Tatura or Mooroopna, and might probably be so for some time; and that is why they signed it.

4223. Your belief is that the reason why the persons on the north-eastern side signed the petition in favor of the eastern line was, that because they thought the line would not go any further than Shepparton?—Yes.

4224. But, in point of fact, it makes no difference to them?—I believe even the people of Shepparton prefer the western route, Shepparton being the terminus.

Mr. T. Lancaster,
continued,
29th August 1877.

4225. Only if Shepparton were not the terminus?—They would.
4226. *By the Hon. W. Wilson.*—You are a farmer?—Yes.
4227. Where is your farm situate?—At Kiabram east.
4228. What portion of Kiabram is it?—I am at the north-east corner, joining north-west Mooropna on the one hand and Kandara and Talicut on the other.
4229. Are you on St. Germain's or Poru run?—St. Germain's.
4230. Near Newfoundland?—No, about five miles from Newfoundland.
4231. I suppose that it is of very little moment to you whether the line goes to the east or to the west?—It is of great moment; the eastern side would be ruinous to our district.
4232. In what way?—I would like to say, that you cannot measure the line by the map. At the present time, if I am four miles north of Rochester, I am four miles further from Rochester. The line is all fenced in, and we have to take every road at right angles.
4233. When you made your selection you knew Rochester was your only station?—Rochester or Echuca.
4234. Rochester for Melbourne was the only station opened, and the only one likely to be opened?—Sometimes we go to Echuca.
4235. At the time when you made your selection you knew no line was projected to Tatura?—That was the very reason I went upon the eastern side to look for land, on account of the North-Eastern line.
4236. Are you aware that before that Shepparton used to go to Rochester?—I was.
4237. How far are you from Shepparton?—Twenty miles.
4238. And in the face of all that, you selected with the idea that a railway would be brought within thirteen or fourteen miles of your selection when you took up the land, and you take up with the knowledge that a railway would come so close to you?—No railway had ever been mentioned when I took it up.
4239. To the parties immediately round your locality, Tatura would be an immense advantage?—Yes.
4240. Are you aware that there is selection upon the other side of the Goulburn, to the east of Tatura?—Yes, I know it all.
4241. Would not that be as much disadvantage by taking the line to Tatura?—No.
4242. Why?—Because they would be as near the station as I should, and many of my neighbours would be five or six miles further from Tatura than I am.
4243. Then the neighbours a few miles further north of you will be very much more disadvantaged by a railway going to Tatura and not going any further?—They will come from six miles north of me to Tatura.
4244. Suppose that the line was to be taken upon the western side, in a straight line from Murchison to where it crosses to Shepparton, not making this detour, would that be more advantage to you than going on the eastern side?—I do not understand.
4245. You see there is a great bend here?—It would be a great advantage, because it would come nearer.
4246. Then as far as the selectors about you are concerned, even if the railway came from Murchison on the west side in a straight line, that would be of greater service to you than the pink line—that you would prefer that if you could not get the pink line further than to the Goulburn?—We should be perfectly satisfied with it.
4247. Your sole reason for wishing the line to make that detour to Tatura is, that it would come three or four miles nearer to your selection?—Yes, of course.
4248. How far are you from Rochester?—Twenty-eight miles.
4249. Are you as far as that?—Yes; they go back as far as four miles north of Rochester, then we have to make up that four miles by right angles.
4250. Then you are twenty-eight miles from Rochester and about twenty miles from Shepparton?—Yes.
4251. So that in the event of not getting a railway to Tatura, would you go to Shepparton or to Murchison?—It is very like to Murchison.
4252. What distance is Murchison from you?—It is twenty-six miles to Murchison.
4253. *By the Hon. J. Balfour.*—I do not know that you clearly understand the matter—I want to put it to you distinctly. In your desire to have a line to Tatura, leaving out all personal considerations, is it for the public interest to go there?—Yes, for the public interest to go there.
4254. Did not you answer me, that if the line be made to Tatura there would be more produce taken there than to any station in Victoria?—Yes, more than to any two stations.
4255. *By the Hon. R. Simson.*—Is there much grazing on either side of the Goulburn—do they graze sheep or cattle much?—Not much, only a few; not many, it is a new selection; it is for agriculture.
4256. Do you consider from your knowledge of the country and of farming that the land upon the western side of the river is infinitely superior to the land upon the eastern?—I do.
4257. You say the land to the east is a spewy kind of soil, where boxes, red gums, and white gums grow?—Yes.
4258. Did you ever see any good land where white gums grew in abundance?—I did not.

The witness withdrew.

Mr. William Thorne examined.

Mr. W. Thorne,
24th August 1877.

4259. *By the Hon. Sir C. Staden.*—The shire engineer of Benalla just now stated that you had laid out a large sum of money in building a house somewhere near to Murchison Bridge?—Yes.
4260. And that you built it in a low part?—I took the highest portion of ground that there was.
4261. Is that above the level of the road?—It was just off the three-chain road, upon the boundary of my allotment, with the exception of 8 feet I left for a balcony and a verandah.
4262. Eight feet above the level of the road?—No, eight out from the road.
4263. How high is your ground floor above the level of the road?—Five feet.
4264. And you have lived in that neighborhood for some time?—Yes; I have been 11 years in the district.
4265. And you are satisfied that your ground floor is sufficiently raised above the ordinary flood level, or high flood level, that you would not be incommoded by floods?—Yes, or I should not have laid out so much money upon it as I have done; I have laid out over £5000.

4266. You are satisfied that you will not be molested by floods?—I do not think that I shall.
4267. *By the Hon. H. Cuthbert.*—How far do you reside from the bridge at Murchison?—Six chains from the last span of the bridge to the corner of my ground.
4268. And there is low ground between the bridge and your house?—There is low ground.
4269. Sometimes that is flooded?—Yes.
4270. But the flood in the deepest would not exceed 6 feet?—In the very lowest part in the time of 1870 I saw I think about 8 feet in the very lowest part—that is, about 3 chains from my door, in the centre of the road.
4271. Do you agree with what other witnesses have said, that a road could be easily constructed across that that would be safe?—I do.
4272. At the cost of about £900?—At about £800 or £900; not to exceed £900.
4273. Must the road be made, no matter which side the railway is made upon?—It must be made for the winter season.
4274. *By the Hon. N. Fitzgerald.*—How long have you been occupying the house?—I commenced it in 1871, and it was several years lying idle, because I had another house in the township.
4275. There was a flood in 1872?—Yes, but not so high as the other flood by several feet.
4276. You have had no experience of floods?—Yes, I have.
4277. No big floods?—No, but I lived on the opposite side of the river while the house was being built.
4278. *By the Hon. J. Balfour.*—The house is an hotel?—An hotel and store.
4279. *By the Hon. J. P. Bear.*—You have seen it 8 feet over the road?—Only in one little spot, a short space.

Mr. W. Thorne,
continued,
29th August 1877.

The witness withdrew.

SCHEDULE 3.

DUNOLLY AND ST. ARNAUD RAILWAY.

William Gregson Couchman examined.

4280. *By the Chairman.*—What are you?—A surveyor.
4281. Where do you reside?—Dunolly.
4282. *By the Hon. Sir C. Sladen.*—You are prepared to give some information as to the proposed line of railway between Dunolly and St. Arnaud?—Yes.
4283. You are acquainted with the whole line between Dunolly and St. Arnaud?—Yes.
4284. And with all the country on either side?—Yes.
4285. You know nothing of the survey of the line?—I know nothing of the survey whatever.
4286. I believe you are an authorized surveyor under the Land Act?—Yes.
4287. And through that you know a great deal of the country, I suppose?—I know the whole of it.
4288. You have surveyed a great deal of it for the selectors?—I surveyed a great deal of the country, both for the Mining Department and for the Lands Department.
4289. Where is the principal centre of population in the neighbourhood of the line between Dunolly and St. Arnaud?—Between Bealiba and Dunolly and the north-east.
4290. Is that anywhere near to Dunolly?—Ten miles; within a radius of ten miles.
4291. Towards Moliagul?—Yes, towards Moliagul.
4292. Is there much population there?—I could not exactly say the extent of the population, but it is pretty thickly populated.
4293. There is a considerable population there?—There is a considerable population there.
4294. What is the nature of the population, as far as their industries go?—Mining and agricultural.
4295. Which principally?—An equal amount, I should say.
4296. And are they intermixed?—They are intermixed.
4297. And within what distance will this agricultural land and those mines be from the nearest point of the line?—They come close up to the line.
4298. And what distance do they extend now from it?—They extend to a great distance to the north and east, a long distance outside of ten miles.
4299. Could you form some idea of the population?—I could not give a very correct estimate.
4300. I suppose we must make some estimate. I suppose it would be impossible for anyone to give the actual figures, for we have no actual—nothing like a census, but some rough estimate—some figures sufficient for a comparison with any other population?—I should think between 2000 and 3000.
4301. Have they been settled there for a long time?—Yes, a number of years.
4302. It is a permanent settlement?—Yes.
4303. A thriving settlement?—Yes.
4304. Which population, which industry, would be likely to give the most custom to the railway, the mining or the agriculture?—The agricultural at first, and mining ultimately, I think.
4305. Ultimately?—Yes.
4306. Not now?—Not at present.
4307. What is your reason for saying that it will ultimately?—Because it is a likely-looking country for mining.
4308. But has it not been occupied as a mining country for some time?—It has.
4309. What is the nature of the mines there?—Quartz and alluvial.
4310. And are they yielding there now at the present time?—Yes.
4311. And you think it likely that that industry will be developed a great deal more?—I do.
4312. What distance is that population from Dunolly?—It is all round Dunolly.
4313. To the east as well as the north?—To the east and north, but the line does not run exactly east and west, or north and south.
4314. The line of railway appears to run about north-west and south-east?—Yes, the population is to the north-east.

W. G. Couchman,
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W. G. Couchman
continued.
29th August 1877.

4315. And then to the south, on the opposite side of the line, what population within the same distance, ten miles—that will be to the south-west?—Yes.
4316. What is the population there?—That is exclusive of the town of Dunolly, I suppose?
4317. Yes, exclusive of the town of Dunolly?—Five hundred, I should think.
4318. Within what distance will that be?—Ten miles.
4319. And what parishes or localities will that take in, would you say?—Archdale, Barp, Bet-bet, and a portion of Natte Yallock.
4320. That is 3500 so far; and then, when we get to Bealiba, you have not included that population, have you?—I have included a portion of Bealiba.
4321. Then, going on beyond Bealiba and Kooroc?—How far am I to extend—to St. Arnaud, or any fixed point?
4322. Wherever population is, if you could lay down certain localities where the population is it would be better, perhaps—we had better be content with taking Kooroc?—Bealiba to the Avoca River, where the Avoca River crosses the line.
4323. It crosses the river in Kooroc?—It crosses the river in Kooroc.
4324. Is there much population there?—No, there is very little population from Bealiba to the river.
4325. About how much?—About 200, I should think.
4326. That is in Kooroc?—Yes.
4327. And in Bealiba?—That is in Bealiba and Kooroc, that portion that I have mentioned.
4328. And between Kooroc and St. Arnaud, what is there?—Am I to include both sides of the line, or only one?
4329. You had better take, I think, that which is in easy reach of the line?—On both sides?
4330. On both sides?—Yes, not including the township of St. Arnaud.
4331. Not including the township of St. Arnaud?—Say 300.
4332. That makes about 4000 altogether, does it not?—Yes, about 4000.
4333. Have you any knowledge of the amount of produce which is sent away from those localities?—I have no knowledge of it myself.
4334. You can speak as to the character of the country on either side of the river, beginning from Dunolly?—Yes.
4335. Painswick, Barp, and Archdale, is that all good land?—A portion of it is very fair land, some of it is rangey.
4336. Which is rangey?—There is a range of hills running between Moliagul, and Bealiba, and Mount Hooglie, it is one continuous range, and there are spurs from the range running through that country.
4337. That is not the best country for agriculture there?—Not immediately about the range, but there are small settlements.
4338. That is principally where the mining is, is it not?—Yes, principally where the mining is.
4339. What is the land south of the line, Archdale and Bealiba?—Very good agricultural land, a portion of it. Archdale includes a portion of the Avoca Valley.
4340. That is rather rich country, is it not?—Yes.
4341. What is Barp?—Barp is rangey in parts; this range of hills that I spoke of runs through it.
4342. Then the whole of Archdale and Natte Yallock are on the flat, are they?—They are.
4343. And Kooroc, what is that?—Kooroc is a portion of the Avoca Valley, also.
4344. Is that rich country, too?—Yes, a great portion of it; in some parts it is sandy.
4345. It has been occupied for agricultural purposes?—Yes, a great part of it is selected.
4346. Is the soil fruitful and fertile?—Yes, very good in parts.
4347. What crops do they get?—Wheat, about twenty to twenty-five bushels is the average.
4348. Last year?—I could not say what the average was last year, it was an unfavorable season.
4349. The year before?—About twenty to twenty-five bushels, in favorable seasons.
4350. How much land, do you suppose in Kooroc, is under agriculture?—There is not a great deal under agriculture; at the present it is newly selected, most of it.
4351. Since when?—The last four or five years, I think.
4352. That is some time to occupy without cultivating, is it not—what is done with it?—There are portions of it cultivated.
4353. And that which is not cultivated?—They graze over it.
4354. Is it good grazing land?—Yes, very good.
4355. About what stock to the acre will it carry—what is it occupied by—is it occupied by sheep or cattle, or what?—You can hardly say it is fairly stocked; it is not fairly stocked by the owners and the selectors, you could hardly give an estimate.
4356. Is any portion of it used?—I may say that a good portion of that in Kooroc is purchased.
4357. Do you mean to say, purchased in contradistinction to selected?—Yes.
4358. In what size blocks?—I think Mr. Chirnside has a block of between 3000 or 4000 acres.
4359. In Kooroc?—In Kooroc.
4360. Which are used for pastoral purposes?—For pastoral purposes.
4361. Is that to the north or to the south of the line?—It is both sides of the river.
4362. But on both sides of the proposed line of railway?—The proposed line runs through it.
4363. Then what quantity of land is there in Archdale under cultivation?—I could not say exactly the quantity, but it is more in Archdale than in Kooroc.
4364. And it is better land, is it not?—No, I could not say that the land is better—it is somewhat similar.
4365. Where is the principal agricultural settlement—I thought there was a great agricultural settlement in the Avoca Valley?—The principal settlement is from the Cherry Tree Creek down to Archdale, and then from Kooroc to the north down the Avoca.
4366. Then, in fact, the thickest part of the population appears to be about Moliagul?—Yes; between Moliagul and Tarnagulla.
4367. Is there any great quantity of cultivation there?—Yes, in Murphy's Flat, which is a portion of the agricultural area of Moliagul.

4368. Could you form any idea of the quantity of land under cultivation there?—I should think about 3000 acres. W. G. Couchman,
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4369. And would there be a considerable amount of produce from there?—Yes.

4370. That produce at present goes to Dunolly, I suppose?—The greater portion of it.

4371. Have you any information which has enabled you to express an opinion as to the quantity of the produce?—The land is of a similar character to that in the Avoca Valley; it is, I should think, about equal to it; and I think the average crop is about from fifteen to twenty bushels to the acre—twenty bushels about in a good season.

4372. We want rather what the bulk is that comes to Dunolly?—I could not say that.

4373. Then that portion of the country in the neighborhood of Moliagul would not be benefited by any railway, I suppose, but this running from Dunolly?—No.

4374. But, in point of fact, they are situated in relation to Dunolly so that they can get rid of their produce to market—where would their market be?—Without Dunolly?

4375. Would the market be at Dunolly?—The market would be at Dunolly—yes.

4376. Or coastwise, I suppose?—Coastwise—that is Sandhurst.

4377. So that it would not be a very great inconvenience to the population in the neighborhood of Moliagul if the line did not go from Dunolly to St. Arnaud?—Not immediately at Moliagul, the next nearest station would be at Goldsborough.

4378. Whereabouts is that?—About four miles and a half from Dunolly—that is a mining township.

4379. You have included the population in there, I suppose, in the population that you estimated at about 3000?—There about Dunolly—yes.

4380. I mean to say that, so far as those 3000 are concerned, it would not be any very serious evil to them if the railway were continuous from Dunolly to St. Arnaud, would it?—They would have the advantage of a station at Bealiba, a great number of them.

4381. But that would not be a very convenience to those anywhere in the neighborhood of Moliagul, would it?—In the neighborhood of Moliagul—no; but some of the population of that 3000 are further to west—on the Cochrane's Creek.

4382. That is almost north of Bealiba?—Almost north of Bealiba.

4383. How long since this line of railway has been projected from Dunolly to St. Arnaud?—I suppose, nearly two years.

4384. Has any of this population been induced to settle here in expectation of this railway being made?—I think not.

4385. They were settled previously?—Most of them.

4386. Then I gather from you that the population between Dunolly and St. Arnaud, not including the populations of those two towns, which will enjoy the benefit of a line joining Dunolly with St. Arnaud, is about 4000 people altogether?—About 4000—that is a rough estimate.

4387. Is there any other information in connection with this line that you would wish to give to the Committee?—I do not know whether I can give any further information.

4388. *By the Hon. H. Cuthbert.*—Are you thoroughly acquainted with all the country through which the proposed lines of railway are intended to run?—Yes.

4389. *By the Hon. N. Fitzgerald.*—“Lines of railway” the Honorable Mr. Cuthbert says—I understand there are three projected lines upon the map?—Yes.

4390. *By the Hon. H. Cuthbert.*—Then the railway I suppose to be constructed chiefly for the convenience of those parties residing at St. Arnaud and beyond St. Arnaud?—I should think so.

4391. If there were no settlement beyond St. Arnaud, it would scarcely be a paying line to construct it either by Dunolly, Avoca, or Maryborough?—I think not.

4392. Do you know the line called “the trial line” surveyed from Avoca to St. Arnaud *viâ* Red Bank and Stuart Mill?—Yes.

4393. That is indicated upon the plan before you?—That is indicated upon the plan before me.

4394. Have you a copy of the same plan as I have?—I have a copy of it here.

4395. What would be the distance of that line—is it correctly indicated upon the map thirty-seven miles and a quarter?—[*The witness scaled the distance upon the map.*]—About thirty-seven miles.

4396. It is put upon the map thirty-seven miles and a quarter, you believe that to be correct?—Yes.

4397. Now would that line be easy of construction?—I think not.

4398. What difficulties would be in the way of constructing that line?—It passes over so many spurs running from the Pyrenees.

4399. Whereabouts would it cross the spurs of the Pyrenees?—Commencing at Warrenmang, through Red Bank on to Stuart Mill, on to Carapooee, and on the other side of Carapooee Creek again, you may say, almost to St. Arnaud.

4400. Would it be a cheap line to maintain?—No, I think not.

4401. You think it would be costly?—Yes.

4402. Why?—On account of the gradients being so steep.

4403. Would there be very steep gradients along there?—I should think so.

4404. Now to the west of that line is the settlement of people very limited?—It is.

4405. On the other side, on the east side, the people on the east—any railway accommodation near them?—They have already the Avoca station, which would accommodate the people so far as Natte Yallock, that is, within a ten mile radius—ten miles from Avoca.

4406. I suppose that would include Homebush also?—There is a station already at Homebush.

4407. And will the people along there be served by the line to Dunolly?—Avoca, Homebush, and Dunolly would serve the people there on that line of railway.

4408. There is another line, I think, that is proposed, is there not?—Yes.

4409. Is that a straight line?—It has never been surveyed.

4410. That has never been surveyed?—Not that I am aware of.

4411. I do not know that I need trouble you with any question relative to that, as it has not been surveyed, it would be only extending this inquiry to an interminable length and do no good; I therefore will not ask you any questions about that line. I will now take the line from Dunolly to St. Arnaud. What would be the length of that line—I see the survey trial line is put here at thirty miles and one-eighth, and at number four it is thirty-three and one-eighth miles?—That is the distance about.

4412. You believe that to be correct?—I believe that to be correct.
4413. Now starting at Dunolly and going on to Bealiba, what kind of country would the line have to pass through?—There is one range to pass over, that is, the range of hills I was speaking of before between Moliagal and Bealiba, that is the only difficulty in the way, and that is very small.
4414. The rest of the country, is it hilly or level?—It is comparatively level all the way.
4415. Then from Bealiba what is the next town you come to—Emu, is it?—Emu.
4416. How would the line run then?—Flat the whole way up the Avoca Valley.
4417. Along the eastern valley?—Eastern valley—yes.
4418. Close to the river?—The greatest distance is near Bealiba, which is two miles and a half from the river.
4419. And then on to the termination of St. Arnaud, what kind of a line would it be?—That is tolerably flat country, and there are no difficulties in the way there I think.
4420. Now taking a radius of ten miles from the proposed route on the west side, is there much settlement there?—What portion of the line?
4421. Take it from Dunolly up to our first starting point, up to Bealiba—is there much settlement from Dunolly to Bealiba?—The most of the settlement is upon the Avoca River and Archdale and Natte Yallock. Archdale and Natte Yallock are on the east side of the Avoca River.
4422. For ten miles the people along the bank of the river there would be accommodated by this line?—They would be accommodated by Bealiba.
4423. On the eastern side, what agricultural areas are embraced within an equal radius of ten miles?—There is a great deal of purchased land that I spoke of, of Mr. Chirnside's, and there is other purchased land beyond Cochrane's Creek—the Bealiba pre-emptive right.
4424. Are there any townships there that would be served by this?—Yes, there are the townships of Burke's Flat, Moliagal, Tunstalls, Orville, McIntyre's, Tarnagulla, Waanyarra, Berlin—would that be included—and Goldsborough, Berlin, and Goldsborough; but Berlin is put outside the ten-mile radius, and then there is Goldsborough.
4425. I think you say on the eastern side there is a good deal of settlement for about 18 miles?—On which portion of the Avoca River; which part do you refer to?
4426. I think where the line runs close to the river beyond Bealiba?—To the south or north of the line?
4427. I will take it either way; take it north or south?—There is a great deal of settlement both north and south.
4428. Generally, I might ask you the question, from Dunolly to St. Arnaud is the country fairly settled?—Yes, it is fairly settled; the most barren part is that to the south-west of the line beyond Kooroc.
4429. Taking the two lines, the Avoca line and the Dunolly line, which would confer the greatest benefit on the greatest number of people?—The Dunolly line, that is as far as the line traverses, as to the country it traverses through.
4430. If this line to Dunolly be adopted then, will it serve St. Arnaud better than if the Avoca line be adopted?—I think so.
- 4430A. But how would it serve them?—It would give them more direct communication to Sandhurst, that is one thing.
4431. That is one market; they would get, I suppose, a more direct communication with Castlemaine?—Yes, with Castlemaine.
4432. And also Melbourne?—Yes.
4433. Is it possible to shorten that line at all which has been surveyed to Dunolly?—The line that has been surveyed—that is the first trial line?
4434. Yes?—It may be shortened, and I believe will be by the line which leaves it—called the Major's Line—about 2 miles to the west of Emu; it will leave the trial line about 2 miles west of Emu.
4435. Is that alteration indicated upon the plan at all?—I have it indicated upon the plan I have here.
4436. How much would that reduce the length of the line?—About a mile.
4437. One mile?—It is an easier country.
4438. Do you know whether that is included in the deviation provided for in the Bill?—Yes, it is; the greatest distance it will be from the trial line will be about two miles.
4439. My attention is called to this, but the limit of deviation is five miles?—Yes.
4440. Would that come within it?—Yes, that would come within it.
4441. And the effect of adopting your suggestion would be to reduce the distance still more, to make the distance shorter by a mile?—Yes, I believe that is the intention.
4442. There is a straight line, a very direct line, running from St. Arnaud to Avoca, shown on this plan, as if a ruler were put at one point and just a line drawn?—I have it drawn here, but I am not sure if it has ever been surveyed.
4443. Do you think it will be possible to construct that line?—Not without deviating it to a considerable extent.
4444. And these deviations that you think necessary, would they alter the length of the line much?—I should think four or five miles.
4445. They would make the line longer than this new straight line, as I might term it—thirty-nine miles and three-quarters?—About that; of course I could not say exactly.
4446. What kind of gradients would be necessary in the construction of that line?—I could not say, never having made a survey of it.
4447. Do you think it would be greater than upon the Dunolly line, from your knowledge of the country?—I think so, unless the cuttings were very much heavier.
4448. Have you formed any general estimate of what either of the lines could be constructed at per mile?—No.
4449. *By the Hon. J. Balfour.*—This Avoca Valley line, marked as a straight line, you say you are not aware has been surveyed?—No.
4450. Have you ever passed over the ground?—I do not think it would be possible to pass over that straight line unless you were on foot.

4451. Do you know the country through which this straight line is meant to pass, upon the map?—*W. G. Couchman*
I know the country about there generally; I have never followed the line. *continued,*
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4452. Not exactly; but I suppose that you are very well acquainted with the whole of this district?
—Yes.
4453. And you know very well what is meant by the Avoca Valley?—I know what is meant by this line, called the Avoca Valley line.
4454. From your general knowledge there are more steep gradients than they have on the Avoca surveyed line, between Avoca and St. Arnaud; which of those is the one which has the most engineering difficulties?—I think there is not much to choose between them.
4455. You described the land there and the spurs that would have to be passed by the Avoca surveyed line; I think you named five upon this line?—Yes.
4456. Do not those spurs run off as you go down into the valley?—This line is not in the valley; those spurs continue across the line.
4457. At the same height as they do upon the circuitous route round by Stuart Mill?—I think they are higher in parts; there is one place called Hawkins's Mount, near the end of one of the spurs.
4458. Then you do not consider it a correct name to give it, to call it the Avoca Valley Line?—Certainly not; it is not in the valley at all.
4459. Is it a fair designation to give it—the Avoca Valley line?—I think not.
4460. You think there are quite as many difficulties as upon the line round by Stuart Mill?—I think there is not much to choose between them.
4461. Which is the best do you think?—I could not say.
4462. You know the country?—I know the country.
4463. Looking at that map you have in your hand, would you say on what part of it is the greatest population settled?—Within a radius of 10 miles from Avoca.
4464. Then I suppose Natte Yallock, Rathscar, and up to Archdale, are the places where the largest settlement has taken place?—Yes.
4465. Supposing you could construct this line, marked in a straight line as if by a ruler, as level and as easily as that one round by Dunolly to St. Arnaud, it would convenience the largest number of people?—I do not think so.
4466. Is it not nearer to those places you have mentioned?—Yes; but there is a greater population on the north of the Dunolly line.
4467. Then upon this map there is not at all that population?—I do not know if it is on that map.
4468. The map you have in your hand; looking at that may I ask you, will you say that the largest population is settled, as I understood you to say, within a radius of 16 miles from Avoca?—I thought you were speaking of the straight line.
4469. No; the map?—I think the greatest population is upon the direct line.
4470. Larger than Rathscar and Natte Yallock?—Yes.
4471. Where is the population settled; how far now?—Within a radius of 10 miles of the line.
- 4471A. Where is your centre that you draw your radius from. What particular part of the country has the largest population—take a point on the Dunolly line, and take a radius from that point?—Say from Goldsborough.
4472. Where is that—in Painswick?—In Painswick.
4473. Ten miles radius from about Painswick there would give you the largest population?—I think so.
4474. Then it is pretty well accommodated by the station at Dunolly; how far is Goldsborough from Dunolly?—About 4 miles.
4475. It has a railway station and a railway within 4 miles?—Yes.
4476. Then there is a large population at Natte Yallock, I understood you to say?—Yes.
4477. How far is Natte Yallock?—It is an agricultural district round there.
4478. Take the largest population of it; how far is it from Dunolly?—The largest population is at Bolerch, near Dunolly.
4479. What is the thickest settled part of Natte Yallock, and how far is it from any existing railway?—There is not a great deal of population at Natte Yallock, within 10 miles of Avoca.
4480. I understood you to say that there was a large population there, just now?—I was looking at the map, and taking the parish boundary and taking in Bolerch as well. I just notice now that there is a parish boundary.
4481. Is not there a large population upon the Avoca Valley, taking the Avoca itself as a guide as it runs, is there not a large population settled?—The greatest population settled would be upon the Cherry-tree Creek, and in that direction.
4482. Whereabouts is that?—Upon the west side of the Avoca.
4483. Between Red Bank and the Avoca?—Down the Avoca Valley, and nearer the river.
4484. From where the population is alongside the Cherry-tree Creek how far is it at present, in a rough way, to a railway station?—If you take the centre of it it is about eleven miles from Avoca.
4485. About eleven miles from Avoca?—Between eleven and twelve miles.
4486. You have given your opinion as to the gradients upon the surveyed line from Avoca to St. Arnaud, and the probable gradients on the unsurveyed line, what is your opinion comparing the surveyed line between Dunolly and St. Arnaud and this Avoca Valley line as it is called, where are the steepest gradients?—The steepest gradient upon the Dunolly line would be crossing the Mount, between Mount Moliagul and Mount Bealiba.
4487. Would there be any gradients as steep as that upon the Avoca Valley line?—I think so; and steeper. The cuttings would be heavier.
4488. There would be greater engineering difficulties you think?—I think so.
4489. Do you see where the proposed Avoca Valley line crosses the Avoca?—Yes.
4490. And you see where the line crosses the Avoca from Dunolly?—Yes.
4491. Which do you think would require the largest and most expensive bridge?—That I could not say.
4492. Do you know whether ballast could be found convenient to the line called the Avoca Valley line from your knowledge of the country?—Yes; I think it could.

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4493. Would that be between Dunolly and St. Arnaud?—There might be more difficulty in getting ballast there.
4494. Then regarding timber for the construction of the line, sleepers, and so forth, would there be a greater facility for getting it upon the Avoca line, or between Dunolly and St. Arnaud?—I think there is plenty of timber on both lines.
4495. Suitable timber?—I think so.
4496. Nothing to choose between them?—Very little.
4497. Which has the preference for timber?—There might be a little on the Avoca Valley line as far as timber is concerned.
4498. Is there any difficulty as to the soundness of the country for the construction of a line?—I think the Avoca Valley line may get the ground sounder for the construction of a line.
4499. I understood that there was a proposition at one time to make a line from Maryborough to St. Arnaud, and that was reported in favor of by the Government Engineer before the line was made from Maryborough to Dunolly or to Avoca?—Yes; I heard of that.
4500. Supposing there had been no line from Maryborough to Dunolly or to Avoca, would that line have served the general population beside and the requirements of the country?—Yes; I think so as far as the country itself that it passes through goes, but I could hardly say that either on account of the country north of Dunolly. There is a large population there which that line would not serve.
4501. Still there is a large population in that valley, too. Supposing there was no line to Dunolly, and none to Avoca, and it were open at this moment to decide, which would you have given your opinion for as the best line to construct there, the direct line from Maryborough to Avoca, or to go round by Dunolly?—The direct line from Maryborough to Avoca.
4502. I should say Maryborough to St. Arnaud, or going round by Dunolly to St. Arnaud, which would have been the best, taking all the interests of the country into consideration?—I would go by Dunolly then.
4503. You said just now, in answer to the Honorable Mr. Cuthbert, that the surveyed line marked upon the map from Avoca to St. Arnaud was a little over thirty-seven miles?—Yes.
4504. That the straight line through the Avoca Valley is called 33 miles and a fraction, but that in consequence of deviations that would be necessary it would be considerably longer?—Yes.
4505. I think you said about 39 miles?—I think about that.
4506. Look at that map, and say if you think such deviation would be necessary, that the Avoca Valley line would be actually longer than the line going round by Stuart Mill—do you see that one is marked 37 miles 27 chains—do you think the Avoca Valley would be longer, considering that you have no townships to go round by, with any alterations you would necessarily make?—I think I should have to go round 4 or 5 miles; that is just a rough estimate of mine, I could not say exactly.
4507. You do not say 39—you do not think it would be a longer line?—I think the deviations would be about 4 or 5 miles.
4508. Looking at the line, and knowing the country as you do, do you think the Avoca Valley line, with any necessary deviations, would come to be longer than the surveyed line?—No; I think about the same distance.
4509. It would not be longer than 37 miles 20 chains?—No.
4510. Where do you think would be the engineering difficulties upon this Avoca line that would be greater than Bealiba?—Between Strathfillan Creek and Cherry-tree Creek, and between Strathfillan Creek again and St. Arnaud.
4511. One of the chief difficulties would lie between Strathfillan Creek and St. Arnaud?—Yes.
4512. At present the surveyed line from Emu to St. Arnaud, coming from Dunolly, presents some difficulties, does it not?—Yes.
4513. As great a difficulty as between Strathfillan Creek and St. Arnaud on the Avoca line?—About the same.
4514. Then you propose to get over that difficulty upon the Dunolly line?—Yes.
4515. But you have not got that surveyed yet?—I believe they are surveying it now.
4516. You expect to get over the difficulty?—Yes.
4517. And you think that is the only way of getting over it on the Avoca line?—I do not know; that has not been tried; it would make the line longer.
4518. Does it make it longer than the Dunolly line?—No, it shortens it.
4519. By a mile?—By a mile.
4520. Do not you think it is possible to shorten it upon the other line too?—No, I do not think so.
4521. *By the Hon. F. T. Sargood.*—What is the difference between Bealiba and Avoca?—Direct?
4522. Direct, I mean to Bealiba on the proposed line?—[*The witness scaled the distance upon a plan.*]—Oh, Avoca, you have to go round by Maryborough.
4523. I am not speaking of railway—the straight line, as the crow flies, across the country?—About 21 miles.
4524. And judging from this map, the bulk of the settlement seems to have taken place about upon the line straight up the Avoca?—Yes.
4525. Then, assuming that there is a station at Bealiba and there is one at Avoca, no person on that line would be more than 10 miles from a station?—No.
4526. On the other hand, you state that settlement has taken place to the north of Bealiba?—Yes.
4527. To a considerable extent?—Yes.
4528. Still following up the Avoca Valley?—Yes.
4529. And this same station at Bealiba would accommodate it 10 miles north?—Yes.
4530. The result of that would be, that you would have 30 miles settled, no point of which would have more than 10 miles to go to a railway?—No.
4531. Ten miles north and 10 miles south would come to Bealiba station?—Yes.
4532. I see upon the map that there is a blank between Dunolly and Archdale; is there no settlement there?—Yes, there is considerable settlement there.
4533. It is not marked upon this map. Is there more settlement there than to the north of the line?—No, there is more to the north,

4534. The whole of that settlement, north and south, taking it in the same way as you have done, 10 miles parallel lines north and south would be accommodated by that Dunolly line?—Yes.

4535. While similar lines parallel to the Avoca line would be accommodated by stations on that line. In other words, taking the whole of that part enclosed by the St. Arnaud and Dunolly line and away round to Avoca, no part of that country would be more than 10 miles from a station?—Very little of it, and, I think, none of it.

4536. And certainly none of it that has been settled?—None of it that has been settled; no.

4537. Assuming, on the other hand, that the line is made from Avoca to St. Arnaud, what effect would that have upon the settlement 10 miles north of the Dunolly line; would not that throw it something like an average of 20 miles from a station?—It would throw a lot of it a long distance from a station, that is the Cochrane's Creek and up to Burke's Flat; a lot of that country is settled. All that would be a long way from a station.

4538. Taking the line from Avoca to St. Arnaud, it would not very much benefit the settlement in and around Avoca, but would seriously inconvenience settlement north of Bealiba?—Yes.

4539. Is there much settlement again south of the proposed line—where there is a blank, south-west of Kooroc?—No; that is barren sandy country.

4540. Then that cannot enter into the question at all of either the Avoca to St. Arnaud line or the Dunolly to St. Arnaud line?—No.

4541. In fact, there is nothing to accommodate?—No.

4542. Nor likely to be?—No; the ranges come in there. It is sandy country and rangey country.

4543. Unsuitable for settlement?—Unsuitable for settlement.

4544. But, even if it were capable of settlement, it could be just as easily accommodated by the line from Dunolly as by the direct line from Avoca?—It would be all within 10 miles.

4545. How far up the Avoca Valley, north of Kooroc, does settlement extend?—For miles, I could not say how many miles. It goes beyond Charlton.

4546. What is the distance to Charlton?—I could not say exactly now. Thirty or 40 miles. It goes down beyond that; it opens out into extensive plains.

4547. Then assuming—as we have it in evidence before us in connection with the Goulburn Valley line, that traffic is brought to a railway station from 20 to 25 miles away—assuming that as a fact, as it is given in evidence, and applying the same rule, there is a tract of country from 20 to 25 miles settled now north of the line that could find its way down to the Dunolly line?—Yes.

4548. *By the Hon. N. Fitzgerald.*—From the tenor of your evidence, I presume you are equally well acquainted with all the portions of the country within the lines on this map?—Yes.

4549. Your official duties have given you opportunities of judging that country as well as the other?—Yes.

4550. *By the Hon. J. A. Wallace.*—You say there is a great deal of mining upon the line from Dunolly to St. Arnaud?—There has been, and is some mining now.

4551. Alluvial mining?—Not much alluvial mining—it is shallow.

4552. You say there is a great difficulty in getting ballast?—I referred to that portion from the Emu to St. Arnaud.

4553. What sort of ballast could be got?—Alluvial quartz gravel.

4554. There should be no difficulty in getting ballast from the tailings?—You could get it from both ends of the line, but not immediately upon the line—that is what I mean.

The witness withdrew.

Mr. Thomas Sanderson examined.

4555. *By the Chairman.*—What is your trade or profession?—Sheep farmer.

4556. Where?—At Archdale.

4557. *By the Hon. Sir C. Sladen.*—You are prepared to give the Committee some information with reference to this line of railway between Dunolly and St. Arnaud?—I am.

4558. And also I suppose with reference to the line between Avoca and St. Arnaud?—I have got a thorough knowledge of all that country.

4559. Have you been living in this neighbourhood any length of time?—I have been living there nearly twenty years.

4560. You are then thoroughly acquainted with all the country?—I am thoroughly acquainted with all the country; in fact I occupy most of it, at least I did.

4561. What distance are you from the line of railway between Dunolly and St. Arnaud?—The nearest point will be about three miles.

4562. South of the line?—South of the line.

4563. Is that a thickly populated neighborhood?—Yes.

4564. An agricultural settlement?—Yes.

4565. What quantity of population is there in Archdale—that is the name of an agricultural area, is it not?—Yes, Archdale is the name of an agricultural area; the most of the land has been selected, I have only got about 2000 acres left upon the run.

4566. That is to say the land you previously held has been selected?—Yes.

4567. About what is the population surrounding you in Archdale?—Bealiba is within four miles and a half of my place. In Bealiba there are upwards of 600 people, and Archdale, I think, 200 within the agricultural area.

4568. And Archdale joins up to Natte Yallock, I think?—Yes.

4569. Is there much settlement there?—Yes; in fact, the land is all taken up.

4570. Is that the thickest part of the population, in Natte Yallock?—No, it is not the thickest part; Natte Yallock proper is the thickest part; the township has more population than there is scattered over the area of Natte Yallock.

4571. That is occupied by agricultural selectors, is it not?—Yes; what is not occupied by selectors has been purchased.

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4572. Whereabouts is the greater part of the population situate that would be specially benefited by the line between Dunolly and St. Arnaud?—That would be the townships commencing from the Goldsborough to about four miles north, then I come to Mount Moliagul township and to Orville, from thence to Wehla, there to McIntyre's, Burke's Flat, Tarnagulla, Waanyarra and Murphy's Flat.
4573. That is all to the north of the line?—To the north there is a population within ten miles of the proposed line of upwards of 3000 people.
4574. That is from Moliagul eastward to Bealiba?—Moliagul North.
4575. Towards Bealiba?—Yes, towards Bealiba.
4576. Is it west of Bealiba?—North of Bealiba.
4577. Do you comprise any area west of Bealiba?—No, I do not touch that.
4578. Is there any population again west of Bealiba—on the north side of Bealiba?—There is a little, in the parish of Dalyenong.
4579. Does that join Kooroc, or is it near Kooroc?—No, it joins Kooroc.
4580. The names are not down in the map?—No, they are not clearly shown in the map.
4581. But I was looking north of the line, I see it is south of the line?—I beg your pardon, I understood you were asking me what settlement there was west of Bealiba.
4582. Yes, but north of the line?—I did not understand that—[*a map was handed to the witness*]—there would be Kooroc, and Synnots, and to the west of that there is no settlement—it is all scrubby broken ranges.
4583. That is between there and St. Arnaud?—Yes.
4584. And what amount of population is there to the north and west of Bealiba?—To the west of Bealiba there is little or no population.
4585. Very little is there?—Very little; it being scrubby country not fit for settlement.
4586. Then, in fact, the great mass of the population is at Bealiba and Moliagul?—No, not quite.
4587. Then where?—At Wehla, Burke's Flat, and Synnots.
4588. And which direction is that?—That will be north-north-west.
4589. The great mass of population is taking a circle from Bealiba to the north of Moliagul and down to Dunolly?—Yes.
4590. About ten miles generally to the north of the line?—Yes, generally, upon the average.
4591. And is there any population within ten miles of the population south, anything approaching that in numbers?—No, not half the numbers, in fact; the easiest way to prove that is the returns from the State schools.
4592. Then you know the country, of course, south of St. Arnaud and down to Avoca?—Yes.
4593. What is the population through there?—It is nearly all settled—it is all settled.
4594. Could you give any rough estimate of what you suppose to be the amount of population between Archdale and Avoca?—I do not know; I should think 300 people. But do you mean the Avoca township?
4595. Taking Natte Yallock? Would you be kind enough to confine yourself to Natte Yallock?—Yes, if you please, I would understand that better.
4596. Take Natte Yallock?—To Natte Yallock, I think the population would be about fifty people.
4597. Is that all?—Yes, confining yourself to the east bank of the river.
4598. Is there more settlement on the east than on the west?—No, I should think there is more on the west.
4599. How much is there upon the west?—I should think about the same number—about a hundred altogether.
4600. Could you form any estimate of the quantity of land that is under cultivation there?—Yes if we confine our line to Natte Yallock; not to go beyond the line to Natte Yallock, I think there would be upwards of seven hundred acres under cultivation.
4601. East, is there any other cultivation between Natte Yallock and Avoca?—Yes, more cultivation there than in any other part of this route; all that land is cultivated, and it is well served by the railway at the present time.
4602. What distance is it from Natte Yallock to Avoca?—Twelve miles.
4603. I suppose the produce goes that way now?—The produce either goes to Avoca station or to Bong Bong.
4604. Where about is that?—That is Homebush.
4605. There is a station somewhere near there?—Natte Yallock has got a station twelve miles from the township, another one eight miles, another one eighteen miles, and another seventeen miles.
4606. You know the Avoca Valley?—I know the Avoca Valley well.
4607. You know the surveyed line which has been surveyed there?—I am not aware of any surveyed line.
4608. The surveyed line to the west of the Pyrenees?—Yes, I know that well.
4609. Is there any population along there?—Very little indeed.
4610. Very little?—Very little.
4611. Either east or west?—Yes, there is east.
4612. I mean to say is there very little on either side?—Not much.
4613. But there is more on the east side?—Yes, to the west it is all ranges; it is the Pyrenees, the north end of the Pyrenees, which consists of nothing else but spurs from the main range. I have occupied that country for over eighteen years, and on the Mount Teddington run I have only lost three hundred acres during all that time, so I think that is a good indication that the country is little or no use.
4614. You find you are left with the worst land?—I find I am left with the worst land unfortunately.
4615. You know the line that has been spoken of along the Avoca Valley to the east side of this range?—Yes, I noticed it upon the plan. Of course crows can fly straight, but railways cannot go over ranges. That line is laid down straight upon the plan, but it is physically impossible to take it that route.
4616. Is there any hindrance?—Yes, a very great hindrance indeed.
4617. What is there?—We will commence from allotment 24 in the parish of Moreisk.
4618. Where is that, north or south?—Between Moreisk and Dalyenong, allotment 24.
4619. South of Moreisk?—Yes, starting from that point, the line goes through it; it is not marked here.

4620. The line goes through the south west corner of 24?—Yes.
4621. Is that the point you mean?—Yes.
4622. Is there any difficulty there?—After you leave the line and go north-west you come into broken ranges; you continue those broken ranges until you come to Hawkins's Mount.
4623. Is that near Redbank?—No; that is towards Stuart Mill.
4624. But we are talking now of the direct line to the Avoca Valley; but that leaves Stuart Mill considerably to the west, does it not?—Yes; about three miles to the west.
4625. Is it near Stuart Mill that the difficulty is?—It is about three miles or three miles and a half east of Stuart Mill, there is a large mount that divides the waters from Strathfillan Creek to Hawkins's Creek; they are tributaries of the Avoca, but the one joins the Avoca about twelve miles south of the other. The other goes into Major's line, and, before you can get over that country, you must get over a very steep range indeed.
4626. What depth of cutting would that involve?—A great depth of cutting. If they do not make a cutting there, there must be a great deviation.
4627. To avoid that spur?—To avoid that spur. And then they must turn at right angles to cross the Strathfillan Creek.
4628. What do you suppose the elevation of this spur to be above the level of the line going directly through it?—I think about 100 feet.
4629. Is that abrupt?—Yes.
4630. On both sides?—On both sides.
4631. Then it would not involve a very long cutting?—Yes, a considerable cutting; it would cost a lot of money to do it.
4632. Is that the principal difficulty upon that line?—That is the principal.
4633. Is it otherwise fairly level?—No; it is rangey country all the way to St. Arnaud, except about two miles which is fairly level; but more than that there would not be.
4634. At present how does all this country running from Bealiba to Avoca send its produce now—partly to Dunolly and partly to Avoca, I take it?—No, nearly all to Dunolly; and all the grain goes to Dunolly—I may say all.
4635. And from Natte Yallock?—That goes to Avoca, most of it.
4636. Then Avoca and Dunolly pretty well divide the produce from this tract which runs up between Avoca and Bealiba?—I think so; fairly so.
4637. There is no great distance for either of them to go, is there?—No great distance for either to go.
4638. I gather from your evidence that you think that the line from Dunolly to St. Arnaud would be preferable to the line from Avoca to St. Arnaud?—Not the shadow of a doubt about it.
4639. That is due to the large population to the north which would be unrepresented if the line ran from Avoca?—Yes. I have got a few statistics.
4640. Will you have the kindness to lay them before the Committee?—Yes. Selections within ten miles of the northern side of the proposed line of railway between Dunolly and St. Arnaud approximately: number of selectors, 590; number of acres selected, 83,600.
4641. Where is that?—That is upon the northern side of the proposed line.
4642. About Moliagul and so on?—Yes, and toward Richmond Plain, Synnots, and so forth. Those statistics I got from the department within the last few days.
4643. That is west of the line running to the north from Dunolly?—That is lower down the Avoca Valley, more to the north.
4644. It is to the north and west of Dunolly?—Yes. That number of acres does not include one single acre of purchased land. Of course there are many thousand acres of purchased land which I left out entirely.
4645. Why do you leave that out?—It is generally understood that people with large estates should not be accommodated in this country.
4646. Is it to be understood then, that if large estates come between a large population and a market they are to be shut out from that market altogether?—Under present circumstances, I thought it would be just as well to leave it out, so I left it out.
4647. Perhaps you would have the kindness to give the Committee the benefit of what information you have as to what that consists of?—The purchased land I think would be from 15,000 to 20,000 acres.
4648. Does the railway run any way near that?—Yes, the railway runs through a portion of it, only a portion of it, a small portion.
4649. I thought it was not the rule for railways to run through purchased property of that sort?—That is a question I cannot answer.
4650. Surely if the railway runs through an estate of that kind you can be under no hesitation about giving the quantity of land in the neighborhood and the character of it?—Sir Charles, I hope you understand me. The largest estate that it runs through here is Mr. Chirnside's; that is only 5000 or 6000 acres; the others are 1000 or 2000 acres, as the case may be.
4651. You suppress the 1000 and 2000?—The reason I did that is, that the statistics were got up hurriedly, and we could approach the selected land easier than the purchased land, because the purchased land has been divided so much that it would take too long to get up.
4652. Do you conceive that it is the general policy of the country to provide railway accommodation for selectors only, the policy to exclude all those who have purchased at auction?—I do not think so.
4653. I thought from the exceptions you made that you might have some idea of that kind—that would not be quite fair, would it?—No; I believe the railways are made not for one but for the many.
4654. No doubt about it; I think all admit that?—With your permission I will go on. Selections within ten miles on the southern side of the proposed line from Dunolly to St. Arnaud, number of selectors, 630; number of acres selected, 77,970.
4655. South of the line?—South of the line.
4656. Whereabouts is that?—Within ten miles.
4657. Do you mean to say that that is between Kooroc and Avoca?—That is including Natte Yallock, Archdale, Moreisk, Dalyenong, Barp, and the Bet Bet.
4658. And could you form any idea of what quantity of land is cultivated out of the 77,000 acres?—A large quantity of land is cultivated.

Mr. T. Sanderson,
continued,
29th August 1877.

4659. I understood you just now to say that Natte Yallock has only about 500 acres, cultivated there?—Then I come to Archdale, Barp, and the Bet Bet.

4660. A great deal is cultivated in Barp, is there not?—Yes, those are all our districts.

4661. But you could hardly say that Barp would be affected by the line from Dunolly to St. Arnaud; it is contiguous to Dunolly; it is within a stone's throw from Dunolly, is it not?—The main range in Bealiba divides the waters in Barp; it is both sides of the range; so I think by the extension of a railway we have a perfect right to include it. This is within ten miles of the proposed line.

4662. Is there one ton of produce raised from Barp which would be carried by railway to Dunolly?—No, I do not think so.

4663. Then what is the use of introducing that?—I am simply giving you a radius within ten miles of the starting point.

4664. It is within ten miles of Dunolly, but that would not affect the traffic of this new railway at all?—No.

4665. Then I do not see the use of introducing it at all. I can understand introducing land a considerable distance to the north, such as you have described about Bealiba, that in fact affects the railway, as it brings produce to it, but Barp will not bring one ton of produce to this line as I understand it. Now whereabouts exactly is this 70,000 acres that have been selected south of the line?—It is taken from the parishes of Natte Yallock, Archdale, Barp, and Bealiba, portion of Bealiba, Dalenyong, Moreisk. I think that is all the parishes.

4666. Would the produce from the whole of that be carried along the line between St. Arnaud and Dunolly?—The greater portion would.

4667. What quantity is selected in Barp?—I have only got the figures in round numbers; I could not divide the various sections or parishes.

4668. I understand you to say that the largest agricultural settlement was in Barp, that is the reason I ask you the question. Is there more selected in Barp than there is selected in Archdale and Natte Yallock? Yes, you think there is?—Yes, I am sure of it.

4669. Would there be 20,000 acres selected there?—I do not think so.

4670. Not so much?—No.

4671. Would there be a third, do you think, of the 70,000?—I do not think so.

4672. A fourth?—I should think about a fifth, as near as I could guess on a rough calculation.

4673. Will you proceed with the information you were reading?—Yes. That is all the information upon that matter. The next thing I will treat about is the railway returns from the 1st of January to the 30th of June 1877.

4674. Where was that return made up?—This return was made up from the department this morning. I went to the Railway department and got this.

4675. Made up at the central railway station here?—Yes; and it is guaranteed to be strictly correct to a penny.

4676. Does that comprise passenger and goods traffic?—Yes.

4677. From where?—I will commence from Dunolly. These are the receipts. The money that has been received at the Dunolly railway station, from the 1st of January to the 30th of June, is this—number of passengers, 6379.

4678. Both ways or one way?—It is one way.

4679. Only one way?—Only one way. This is what they received the money from.

4680. Up or down traffic?—Down traffic. The amount of passenger fares, £1268 1s. 6d. Goods traffic outwards, 4104 tons; receipts from that, £1598. Goods traffic inwards, 2590 tons; receipts from ditto, £4483, making the total receipts £7349 1s. 6d.

4681. That is for six months?—That is for six months.

4682. Traffic one way?—Traffic one way. This is the absolute money that has been received at the station at Dunolly—cash received there.

4683. Is that the goods traffic both out and in?—This is the receipts. Of course that will be the money received at the Dunolly office.

4684. That will be the up traffic?—That will be both. For instance, as the passengers leave, the Railway department in all cases receive cash before you get into a carriage, but with goods you pay at the end of the journey; so against goods it will be different. The money for goods sent from Dunolly will be received here.

4685. It is the passengers one way and the goods the other?—It is the passengers one way and the goods the other.

4686. *By the Hon. R. Simson.*—You said goods out?—I will read it again. Then I will read it against the Avoca returns upon the same scale. Avoca.—Number of passengers, 4261½; amount of passenger fares, £669 4s. 9d. Goods traffic outwards, 2213 tons; receipts from ditto, £1030 2s. Receipts from goods traffic inwards, £2397 2s. Total receipts from Avoca, £4096 5s. 1d., against £7349 1s. 6d. the Dunolly line; excess of receipts in favor of Dunolly, £3252 16s. 5d. In short, our receipts from Dunolly are something like 80 per cent. more than they are from Avoca; and our line is something like thirteen miles and the Avoca is sixteen miles long, I believe.

4687. I do not quite understand that?—The line from Maryborough to Dunolly is about thirteen miles long, and the one from Maryborough to Avoca is about sixteen, consequently the Dunolly line shows upon paper 100 per cent. more than the other does.

4688. Are you aware whether the traffic from St. Arnaud generally comes to Dunolly at the present time?—Yes, it must do, I think.

4689. It does not go to Avoca?—No, I am not aware of it.

4690. Which route do you suppose offers the greatest facilities for road carriage at the present time?—I should think decidedly Dunolly.

4691. The distance is about the same?—The distance is much shorter.

4692. Are the roads equally good?—Some people think one road is better one way and the other the other.

4693. Some of the traffic goes both ways?—There is not a shadow of a doubt about it. Of course those receipts show it.

4694. Have you any further statistical information which you could give to the Committee?—Yes, in a commercial point of view, I might say a little with reference to a connection between the two towns; that is from Dunolly to Bealiba and from Bealiba to St. Arnaud. I might mention, in a commercial point of view, the Dunolly people are very much identified with the St. Arnaud people, and not only with St. Arnaud, but with the progress of settlement there. I can vouch for these facts, that one merchant alone has purchased upwards of 20,000 bags of wheat, the produce of the intermediate places from Dunolly to St. Arnaud, and from St. Arnaud to the plains, and it is to the enterprise of that particular gentleman in a great measure that there are so many selectors now upon the plains owe their success; and previous to him and others going up there and opening out the market, the selectors were losing from fourpence to sixpence a bushel; and those buyers going into the market were principally the means of the selectors getting from fourpence to sixpence a bushel more than they previously had done. That is one thing I can speak very positively about.

4695. How will that affect the matter—you say that there are commercial relations now existing between the two places?—I look upon it in this way, that these gentlemen in Dunolly that had the spirit and capital to assist the selectors up there have been a great convenience; and some time ago, during the late McCulloch administration, when they spoke of trying to get a railway from Avoca to Dunolly, we were trying to get an extension from Dunolly to St. Arnaud; and it was an indisputable fact that these gentlemen going up there, and investing large sums of money to assist selectors to carry out the conditions of the Land Act, a great many people owe their success to the enterprise of those gentlemen from Dunolly. In fact, taking the township of Dunolly, I can speak from facts that have come under my own notice this last two years, that they do more business in the town of Dunolly in one week than they do in the Avoca—including Moonambel, Red Bank, Stuart Mill, and all those places—in a whole month.

4696. Dunolly more in a week than they do in a whole month?—They do more in the week than Avoca does in the month.

4697. *By the Hon. Sir C. Sladen.*—Then there is no doubt in your own mind that it would be a much more profitable line to unite Dunolly with St. Arnaud than uniting Avoca with St. Arnaud?—My mind is perfectly clear upon that point.

4698. *By the Hon. J. Balfour.*—You have given some evidence with regard to the nature of this line, which has been surveyed between Avoca and St. Arnaud?—Yes.

4699. That line was surveyed some years ago?—I have not been asked a single question about the Avoca line to St. Arnaud.

4700. I recall to you that you spoke as I understood?—That was the Avoca Valley line.

4701. I understood you to speak of that—however, I will ask you—you know this line?—I know the line well.

4702. You know the line from Avoca to St. Arnaud that has been surveyed?—Yes.

4703. It was surveyed some time ago?—Yes.

4704. Do you know why it was surveyed in this direction, as shown upon the plan—why the connection between Avoca and St. Arnaud at that time was brought round in the way shown upon the plan?—It was a trial survey; it was a trial made by interest in the department. I had nothing at all to do with it.

4705. Of course not—was it do you think to bring the line past certain digging townships—Stuart Mill, Red Bank, and so on?—I should think so.

4706. Those are not now very important places?—No, they are now places of the past.

4707. And there are no persons at the present moment proposing to carry the line from Avoca to St. Arnaud by that old line?—I think every man that has got a residence and 4 or 5 acres of land is very anxious to get a railway to it.

4708. Are you aware that the House has nothing before it in regard to that line, though we have petitions in favor of the Avoca Valley line?—I do not know, I am sure.

4709. Are you aware that the persons resident about Red Bank and Stuart Mill adhere to the Avoca Valley line, and prefer it to any other proposed?—I have not heard of it.

4710. So that, though it would bring the line a little nearer to their houses, they prefer the Avoca Valley line?—Yes, I think they are satisfied.

4711. Then we will consider the trial survey one of the things of the past, we will not go into it; we will confine ourselves to the two lines surveyed, the one the Avoca Valley line, the other the line between Dunolly and St. Arnaud. Now as to the Avoca Valley line, you know the ground?—Yes, as it is laid down upon the plan as near as possible.

4712. You consider it a very difficult line to construct?—Yes, from the point I fixed upon the plan.

4713. Will you look upon the plan and tell me if there is a road marked somewhat parallel with the line?—Yes, the three-chain road.

4714. Do you see that there?—Yes.

4715. Have you been over it?—Yes, many a time.

4716. You know it?—Yes.

4717. What sort of a road is it; is it steep and full of gradients?—It is a rough, scrubby, rangey road.

4718. Where do the scrubby and rangey parts commence?—About one mile north-west of that selection, the corner number 24.

4719. But upon the whole, from Avoca up to nearly Dalyenong, the road does not present any great engineering difficulties, does it?—From that selection to the Avoca none whatever.

4720. Is it pretty level?—Very level.

4721. From that selection to Dalyenong, does it contain difficulties?—Yes, broken ranges.

4722. But nothing very serious in the way of engineering difficulties?—If it goes to the west of the mount, which I am not very clear about—it is so laid down here.

4723. I am speaking of the three-chain road, does it present anything very difficult?—No; the road does not go past the mount.

4724. I speak of the road, nothing else. As a road, does it present any great engineering difficulties to Dalyenong?—No.

4725. So that taking that road as a guide from Avoca to Dalyenong, it is not a very difficult road?—No.

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continued,
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4726. Nothing like Bealiba?—There is only one difficulty where there would be a cutting, or even a middling gradient in Bealiba, and that is crossing Bealiba.
4727. Mr. Couchman has told us that there is a series of engineering difficulties?—They are not serious.
4728. That is a matter of terms—is there anything between Avoca and Dalyenong like it?—No, not on this line on the three-chain road.
4729. Then the difficulty commences north of Dalyenong?—Yes.
4730. That is the greater part of the line is pretty good, is it not?—No; the whole of that line commencing from Dalyenong is simply nothing else than a network of broken ranges.
4731. South of Dalyenong it is not so?—Yes, but not so much.
4732. Still I think you said that there was no great engineering difficulty in constructing a line from Avoca to Dalyenong?—From that selection number 24, right into St. Arnaud, you have simply a network of broken ranges.
4733. How does that correspond with your answer which you gave to me just now, that from the selection number 24, there was nothing of very serious difficulty notwithstanding the scrubby ranges?—That is not a very serious difficulty. My remark refers simply from number 24 to south of Dalyenong.
4734. Then from Avoca to Dalyenong there is no serious difficulty?—No.
4735. Now you speak of a certain population about Natte Yallock and a certain amount of cultivation there?—Yes.
4736. But you specially confined yourself to the eastern side of Natte Yallock in your statistics?—Yes.
4737. Could you give us any idea of the population in the agricultural area of Natte Yallock altogether, not confining yourself to one side of the river?—I should think it is 300 people.
4738. There are only fifty on the east side?—Yes.
4739. What quantity of land have these 300 people do you think?—They might perhaps have 10,000 acres.
4740. In speaking of the population to be benefited by the line from Dunolly you took in a population settled at Barp and Bet-Bet in your statistics?—Not the people.
4741. Well, you stated that there were 630 persons within a certain radius and 77,000 acres. You spoke of a radius that you told us included Barp and Bet-Bet?—Yes.
4742. What has Bet-Bet got to do with the line from Dunolly to St. Arnaud? Would any part of the produce from Bet-Bet, coming south, go upon any part of the line between Dunolly and St. Arnaud?—I do not think there would be much.
4743. Would there be a single ounce?—Yes.
4744. That would go north of Dunolly in order to go south again?—It must you know from the position of the place.
4745. It must?—It might.
4746. I do not see that Bet-Bet has anything to do with the discussion of the line between Dunolly and St. Arnaud; I think you see that yourself. Would there be suitable timber do you think upon the Avoca Valley line for the construction of a railway?—I think so.
4747. Would there be as much and as suitable timber as upon the line between Dunolly and St. Arnaud?—Just about the same.
4748. Which would have the most? Do I understand that there are a good many ranges upon the Dunolly line?—Of course there is far more unoccupied country in the Avoca Valley; there is little or no selection to the west of that especially—there is none at all.
4749. Then there is more suitable timber upon the Avoca Valley line?—I almost think there would be.
4750. And regarding ballast, where would be the ballast?—I think the Dunolly line would have the best description.
4751. Which would have the most?—The Dunolly line.
4752. Would not a great deal of ballast, good suitable ballast, be got from Red Bank and those old deserted diggings from the mines?—Yes, plenty, and any amount.
4753. And good ballast?—And any amount, but it is some distance to the Avoca Valley line; but on the other hand it is a very short distance to the Dunolly line.
4754. Where would you get it upon the Dunolly line?—It will start at Goldsborough.
4755. What sort is it?—Broken quartz, small.
4756. Far from the line?—Within five chains of it. Then I come to Bealiba, we get it direct upon the line there again, and from there to the Emu any quantity and all quartz.
4757. There would be a good deal of cutting about Bealiba?—Scarcely any.
4758. How do you get over the range?—That is some distance from Bealiba.
4759. It is called Bealiba upon the plan?—That is the only cutting of any consequence there.
4760. There is an engineering difficulty there?—Yes, some.
4761. You would get the ballast in consequence of making the cutting?—You would use it both ways.
4762. Which do you think is the soundest country of the two routes to make a line through?—I should think decidedly the Dunolly line is the soundest.
4763. If you heard Mr. Couchman say that the other line was, you would not agree with him?—I decidedly do not. I have ridden over that country for twenty years.
4764. What sort of produce is grown chiefly in this district?—Wheat, oats, barley, and hay.
4765. Is it a good wheat growing country?—Yes, very good returns indeed.
4766. Whichever way the line is made a good deal of produce would be brought to the line?—No doubt of it.
4767. Is it a good root-growing country?—I do not think it is.
4768. They do not grow much potatoes?—No.
4769. Where do they get their potatoes from?—Bungaree, and we get them at present delivered at Bealiba at £3 5s. a ton.
4770. How do they come?—By railway to Dunolly, and from Dunolly we cart them to Bealiba.
4771. If there was a line, as far as St. Arnaud is concerned, would it not be much quicker to get there from Avoca?—I think it would be longer.

4772. According to the map here, there is a large district down by Learmonth and that way, that supplies potatoes to the north-east parts here, is there not?—From St. Arnaud to Ballarat *via* Dunolly is 81 miles, by Avoca 87. Mr. T. Sanderson,
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4473. Yes—I am not speaking of Ballarat—I am quite aware it is a longer distance from Ballarat to St. Arnaud by Avoca than by Dunolly; but it is not Ballarat itself that produces these, but the Learmonth district?—I think they have given up growing anything there now; it is all sheep farming principally.

4774. That is a mistake—but, in the mean time, you state that the potatoes and root crops of that kind come to the district from Bullarook and Dunolly?—Yes; and one thing I would say I have not touched upon yet, and that is, you have not asked many questions as to the resources of the country west of any of these proposed lines—west of any of them—there is nothing else but a network of ranges right down to the Wimmera; on that portion no settlement exists at all.

4775. *By the Hon. R. Simson.*—West of the lines?—West of the whole of them. The range continues north-west of the Amphitheatre right down to Glen Logi.

4776. *By the Hon. J. Balfour.*—You spoke of the ranges and difficulties that occur after Dalyenong to St. Arnaud?—Yes.

4777. Will you look at the trial line from Dunolly line to St. Arnaud—you see that from Kooroc it approaches close to the valley line and soon becomes the same—they meet together?—Yes.

4778. Then there would be the same difficulties in the path of either line?—No.

4779. They join?—No. There has been another survey made.

4780. Being made now?—No; I believe it is finished. There is a deviation east on to the Major's line, which takes the turn through flat country—quite flat, and nearly all settled—which makes the line one mile shorter; in fact, I am right in saying that it is finished.

4781. It is not the line, however, that is called the trial survey line?—No.

4782. *By the Hon. R. Simson.*—You have been a settler for a long time upon the proposed line of railway?—Upon the western side—I have been there for eighteen years.

4783. Do these statistics that you have given, taken from the Railway department, coincide exactly with your own views in this matter—that was the embodiment of your own views as an old settler in the neighborhood?—Yes.

4784. You say that, to the west of either of these lines, there is very little settlement after passing a certain point?—None at all.

4785. No settlement at all?—No.

4786. Do you consider the land upon the line from Dunolly to St. Arnaud very much superior to the land from Avoca to St. Arnaud?—Decidedly.

4787. Upon each side?—Yes; north of the Dunolly and St. Arnaud line it is all taken up for sixty or seventy miles.

4788. In which direction?—North.

4789. Towards Moliagul?—No; from Synnots to Charlton Plains, and from Charlton all the way down to Bale Bale, which is the outlet of the Avoca River.

4790. What is the distance of these various settlements from the proposed line of railway to Dunolly?—Some considerable distance—Burke's Flat and those places are within a radius of ten miles.

4791. What amount of settlement is there upon the west side of the line going straight from Avoca to St. Arnaud?—After we leave the Avoca we come to flat country, extending right to the point of the Pyrenees where the Mountain Creek Homestead is, but the most of that land, on both sides of the river, as we go along there is freehold property, belonging to Messrs. Adams Brothers; west of that is unoccupied auriferous country, a considerable amount of digging has been done there.

4792. About Red Bank?—No, I have not come to Red Bank, Donkey Flat, and two or three other places, and then we come to Moonambel, which was once a very important place, and had a borough council, and it reduced and dwindled down to a few houses. There are a few small selections there, say, from five to a hundred acres; then from thence to Red Bank is about two miles and three-quarters; but before we can come to the township we have to go round the range, about seven miles, to get to it, which is all scrubby, barren country. There is no selection on either side of the road. There are a few houses, which might boast of a population of about a hundred people—it is a deserted diggings. From there to Stuart Mill I occupy the country, and on the west of the road there is no selection as far as the Natte Yallock agricultural area. Stuart Mill is an old township in the heart of the Pyrenees. West of that is no selection.

4793. Does the Avoca run right under the Pyrenees there?—It is nearly ten miles from there; at that point we come on to the Strathfillan Creek, which is a small flat from a quarter of a mile to half-a-mile wide; the whole of that line is selected right down to Major's line. From Stuart Mill to St. Arnaud there are two selections, but west of that again is a network of ranges, where there is no selection. To the river it is a rough, barren, scrubby country.

4794. What is the description of the country on the other line, from Dunolly to St. Arnaud, to the north?—The description of the line from Dunolly?

4795. The country, I mean, not the line?—The description of the land from Dunolly to Goldsbrough is small farms, very rich land indeed; back to the Mount is scrubby ranges again until you reach Murphy's Flat. When you approach Murphy's Flat there is some very good agricultural land, most of it is taken up there; unfortunately most of my run there is gone. I used to have a very nice run, but it is nearly all selected. West of that again we come to Orville, a digging township, with a certain amount of agriculture. From there we go back again to Bealiba, and round about Bealiba there is very good land indeed upon the flats.

4796. That is beyond it?—Yes, and round Bealiba.

4797. But there seems to be a great deal of unoccupied country between Bealiba and Burke's Flat?—Yes, there is scrubby country till after you get past the spurs. After you get past the spurs of the main range you come to the valley again, and of course the whole of that land is selected. Once you pass Bealiba, on your way to St. Arnaud, you come to Mr. Chirnside's property. On the north and on the south it is all taken up by selectors, and nearly every inch cultivated on to the Emu Bridge. West of that is the scrubby country I have already described that extends to the western line.

4798. That is the portion of the map that shows no selection at all?—Yes, from there you pass on to the Major's line, and when you approach that line you come to some agricultural country, the whole of which is taken up, I think, to St. Arnaud.

The witness withdrew.

THURSDAY 30TH AUGUST, 1877.

Mr. William Boag examined.

Mr. W. Boag,
30th August 1877.4799. *By the Hon. Sir C. Sladen.*—You live at Natte Yallock I think?—Yes.

4800. Were you in the House yesterday when Mr. Sanderson gave his evidence?—Yes.

4801. Did you hear it?—Yes.

4802. Do you generally concur in that evidence?—Yes.

4802A. Entirely?—Yes.

4803. Is there any part of that evidence upon which you wish to express any difference of opinion?
—I might express it more fully with regard to the settlement between the two routes.

4804. That is to say, that you thoroughly concur in that?—Yes.

4805. But you think he did not put the case quite strongly enough?—I think he omitted some things.

4806. Would you inform the Committee what you think he has omitted?—With regard to the two routes, I take the Avoca route in the first place as laid down in the map, there are two lines projected from Avoca to St. Arnaud—there is the trial line, and another new line called the Avoca Valley line.

4807. Yes?—I think they abandoned the trial line, and take now what they call the Avoca Valley line. I do not know how they found out that name, I rather think that is a misnomer, for it does not travel the Avoca Valley further than about ten miles, for I consider it leaves the Avoca Valley and goes into the spurs of the Pyrenees and Broken Ranges almost all the way to St. Arnaud.

4808. I think it is scarcely necessary for you to direct your attention to that portion of it, for we will call professional evidence upon that?—I consider that at present, take a ten mile radius from Avoca would go close to the township of Natte Yallock, therefore, I consider that all that portion of the country is already supplied with railway communication.

4809. All that is in evidence now through Mr. Sanderson?—Going on to the Dunolly and St. Arnaud line, going from Dunolly to Bealiba.

4810. Have you anything in addition to urge to what has been given? If you have nothing to add to Mr. Sanderson's and Mr. Couchman's evidence, it is a pity to waste time?—I could add a little that has been omitted.

4811. Will you be good enough to supply any omission?—If you take the present line of railway as laid down from Bealiba, and take a radius of ten miles, that also runs through the township of Natte Yallock, and if you follow the river from Natte Yallock, it runs due north, but the population was omitted there—that is one of the most particular places, I consider, as far as population is concerned, because it is all selected about four or five miles on each side of the Avoca River.

4812. Do you think the population has not been put down as sufficient?—I think that it has rather escaped those gentlemen.

4813. Would you be good enough to state what is your opinion of the population there?—According to the returns of 1866 and 1867 of population acreage under cultivation, and produce goods traffic, &c., of the district to be served by the Dunolly route would be as follows: population per mile, taking in a radius of ten miles, would be 784 per mile, total 26,754, that is from Dunolly to St. Arnaud.

4814. You think the population between Dunolly and St. Arnaud amounts to between 6000 and 7000, is that it?—The total population per mile from Dunolly to St. Arnaud in the ten-mile radius is put down here as 26,000.

4815. The total population of the two, taking the distance on each side of the line would be between 6000 and 7000, I understood you?—26,000, that is taking a radius of ten miles round Dunolly and round St. Arnaud, on each side of the line.

4816. But that is travelling altogether out of the route, because we have endeavoured to confine ourselves to the distance actually between the two places and not surrounding the two places. It is not worth while taking the population at a radius of ten miles round Dunolly, that will not help us at all; what we want is the population between the two places which are likely to be interested in the connection with St. Arnaud, so as to compare that with the same circumstances between Avoca and St. Arnaud; do you understand?—That can only be got by taking the parishes on each side, which is rather difficult.

4817. Do you think that the evidence which those gentlemen gave yesterday did not show sufficient population between the two places?—I think not.

4818. Will you have the goodness to show where it was not sufficient, and to what extent?—I believe the witnesses that follow me will be able to show that by taking the parishes.

4819. Is there anything you wish to inform the Committee of, which is not already before them?—The next point is following the river to the Emu, where the Dunolly line crosses the Avoca River; that will be one of the most important points upon the line.

4820. *By the Hon. H. Cuthbert.*—You have been a selector and have taken up some land at Natte Yallock?—Yes.

4821. How many acres might I ask do you hold there?—Between what I had selected under the Land Act of 1860 and what I have purchased, and with family selections, I have over 1000 acres.

4822. I believe you are president of the shire of Bet Bet?—I was, up to the present month.

4823. How many years have you resided in that locality, in Natte Yallock?—I selected under the Land Act of 1860, between 16 and 17 years I have resided in that locality.

4824. You know the ground between the Dunolly line and the Avoca line very well?—Yes.

4825. Do you know one side of the country as well as you do the other?—Yes.

4826. Do you know when the line to St. Arnaud was first projected?—I think it was under the Duffy administration, in 1874.

4827. In 1874?—In 1874 the line was passed I think, to Dunolly; it was upon the understanding among the inhabitants about there that it would be carried on by St. Arnaud to Wentworth.

4828. Did much selection take place in consequence of that projected line?—A great deal of selection has taken place since, and is going on daily.

4829. Has the selection taken place to the north and north-east of Dunolly?—Yes, to a great extent to the north and north-east; there is a large tract of open level country there.

4830. You know the position of Avoca upon the map?—Yes.

4831. Taking Avoca as a centre, and a radius of 10 miles, would that bring you to Warrenmang and Avoca shire?—Yes, it takes in Warrenmang.

4832. There is a good deal of settlement here shown upon the map, and all the people within that radius would be within 10 miles of the Avoca station?—Yes.

4833. There is a station at Avoca now?—Yes, there is a station at Avoca now.

4834. And that gives accommodation to all the people resident about there within 10 miles?—Yes, nearly all in the level country there, till you get into the Pyrenees ranges.

4835. Now if you go a little higher up on the map and take Bealiba as a centre, and taking a radius of 10 miles, would that bring you to Natto Yallock, and include a great portion of it?—The same radius would run through the township of Natto Yallock.

4836. And would that include all the people residing between Natto Yallock and Bealiba?—That then would accommodate I consider, from Natto Yallock. The Avoca River runs almost due north, and still keeps within the 10 miles' radius on the eastern side of the Dunolly line for 30 miles.

4837. Then the next place of any importance is Emu—taking Emu as a centre, and a radius of 10 miles, would that include the original survey line of the Avoca railway?—That would include Stuart Mill, along which the original trial line would go about three miles beyond the line laid down, called the Avoca Valley.

4838. Then what is the next place—do you know where Carapooee is?—Yes.

4839. Taking that as a centre, and a radius of 10 miles from Carapooee, would that include the original surveyed line to Avoca?—The radius of 10 miles from Emu Bridge includes Carapooee and both lines still.

4840. Now would you tell the Committee in your opinion what would be the advantages of having a railway station at Emu?—I look upon that as a very important station.

4841. Almost more important than St. Arnaud?—Yes.

4842. Why do you regard that as a very important station?—If you follow the river Avoca—

4843. Coming up north, is it?—Due north almost, I can trace it for about 20 miles, still within the radius of 10 miles from St. Arnaud line, and then 20 miles beyond that again the country is nearly all selected and taken up, and Emu would be the nearest point of railway, almost nearer than St. Arnaud, for all those on the north-east.

4844. So, as I understand your evidence, to the north of Emu there is about 20 miles of country selected?—There is more than that I would say north of the Emu, within a 10 miles' radius of the proposed line it would take in over 20 miles of the Avoca River and Valley.

4845. Is there much selection there?—Yes, there is a deal of selection, taking the river all down both banks of the river.

4846. Not confining yourself to a radius of ten miles, but taking from Emu in a northerly direction for about sixty miles, has not all the land been selected?—On both banks of the river, and on each side of the river for miles a great extent of country is selected; and this would be a nearer station than St. Arnaud.

4847. Then it would be a convenience to all the people settled north of Emu to have a railway station there?—Yes.

4848. They would not take their produce to St. Arnaud; it would be more convenient to take it to Emu?—Yes, a great portion would come to Emu; it is a very important district.

4849. Can you give an approximate estimate of the goods traffic between Dunolly and St. Arnaud, and of the intermediate places? I think we had the gross returns at the railway station last evening from Mr. Sanderson?—Yes, the gross return at the Dunolly railway station. Here are the Government returns of the present goods traffic between Dunolly and St. Arnaud.

4850. Will you read those returns for me?—"Present goods traffic from Dunolly to St. Arnaud per annum, 3000 tons; from St. Arnaud to Dunolly, 10,800—that includes wool and grain as the principal; then to and from the intermediate places, 3000 tons."

4851. What do you call the intermediate places?—There is wool and grain which comes down from I may say, that northern country and the intermediate places between Dunolly and St. Arnaud.

4852. Would that include Emu and Bealiba?—That would include north of the Avoca Valley between the north and the south, and between Dunolly and St. Arnaud.

4853. I think you have given the Honorable Sir Charles Sladen the population that would be served by the Dunolly route—you said 26,000?—According to the return given here; but that includes that ten-mile radius round St. Arnaud, and ten-mile radius round Dunolly, and ten miles on each side along the proposed line; the total number would be 26,700.

4854. So that you consider the people within ten miles on either side of the railway would be served?—Yes.

4855. And taking that distance, the total number in those two places would be 26,000?—26,000.

4856. I suppose the people at St. Arnaud are rather opposed to the Dunolly line?—About twelve months ago there was a petition sent to the Bet Bet Shire Council, with over 5000 signatures, from the selectors beyond St. Arnaud, praying for our support towards the Dunolly and St. Arnaud line.

4857. Did you give them that support?—We did give them that support.

4858. Since that time I believe they prefer the Avoca, some of them?—Not beyond St. Arnaud; I believe not.

4859. It is only the people then at St. Arnaud?—At St. Arnaud and in the neighborhood of St. Arnaud, because they would have more carriage to pay for, going round the other line.

4860. Do you know anything about the straight line, what description of land it will have to run through—is it the proper term to call it the Avoca Valley line?—I think not.

4861. Where upon the map should the line run that should be properly described as the Avoca Valley line?—I think it ought to keep by the Avoca River, as the valley keeps by the Avoca River.

4862. So that to call this place a valley is a mistake?—It follows, I might call it, part of the Avoca Valley for about ten miles; after that it leaves the valley entirely, and goes into the spurs of the Pyrenees ranges, some of them a great height.

4863. Do you think there would be a great difficulty in making that line?—There would be.

4864. On account of the mountainous nature of the country?—Yes; ranges nearly all the way.

4865. *By the Hon. J. Balfour.*—You have told us that a great population would be benefited by the Dunolly line running north from the Emu?—Yes, north of the Emu.

Mr. W. Boag,
continued,
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4866. A large number of those would be accommodated by the St. Arnaud station. How far would that be from St. Arnaud?—I keep by the Avoca River; if you keep north from the Avoca River, north-east of St. Arnaud, to go to St. Arnaud, would be rather going back; therefore I consider the Emu station would suit a great number of those to the north better than St. Arnaud.

4867. How far would the extreme part of this settlement be from St. Arnaud?—From St. Arnaud?

4868. The settlement you spoke of?—It extends north a very long way from the Emu.

4869. I do not mean that portion of the population that is so far north that it is north both of St. Arnaud and of the Emu, but the portion that would be benefited by the Emu—the extreme part of it—how far is it away from St. Arnaud?—You might take fifteen miles north-east of St. Arnaud and fifteen miles north-east of the Emu.

4870. I do not want to go north of St. Arnaud at all; the part of the population that would be benefited by coming to the Emu does not lie north of St. Arnaud and Emu, does it?—No.

4871. Then leave that out?—Yes; east of St. Arnaud.

4872. The part of the population that would be benefited by coming to the Emu, how far is it from St. Arnaud—what is the extreme distance?—I would take it from fifteen to twenty miles.

4873. East?—East.

4874. How far would that point be from the Emu station?—About the same.

4875. Then is it any way benefited by coming to Emu?—They would save about sixteen or twenty miles of railway carriage, and I believe the roads would be better.

4876. I do not want to ask many questions upon this, the Honorable Sir Charles Sladen has put this so clearly; but you were asked just now by the Honorable Mr. Cuthbert about the 26,000—that 26,000 covers the population of St. Arnaud and Dunolly too?—It takes a radius of ten miles round the township of St. Arnaud, and a radius of ten miles round the township of Dunolly, and a radius of ten miles along each side of the proposed line.

4877. It includes a large population about Bet Bet, Barp, and Dunolly—they have no interest in the particular line as regards coming to Melbourne?—The Dunolly end would have no interest in it.

4878. They have a railway station already at Dunolly?—Yes.

4879. Then you must strike out the population of St. Arnaud and the population of Dunolly in order to arrive at the population that would be benefited by this particular line?—I would strike out the population of Dunolly, but a great part of the population of St. Arnaud would be benefited by this line.

4880. Did not you say to the Honorable the Postmaster-General just now that some of the St. Arnaud people were in favor of the Avoca line because of the shorter carriage?—If I said so, I made a mistake; I meant the Dunolly.

4881. Then will you explain this—you spoke of those north of St. Arnaud, selectors beyond St. Arnaud, being in favor of the Dunolly line?—Yes; I did.

4882. You said they asked the Bet Bet shire to assist them in getting that line?—Yes.

4883. And I think the Honorable the Postmaster-General then asked you about the St. Arnaud people, what they thought, and you gave your opinion?—My opinion was that a portion of the St. Arnaud people was in favor of the Avoca line; a very small portion.

4884. I do not know what portion, but you told the Committee that a portion of the St. Arnaud people were in favor of a line by Avoca?—I stated at the same time they were not beyond St. Arnaud.

4885. Of course that portion you would strike out could not form a part of the 26,000—you could not count the 26,000, including that portion, in favor of the Avoca line as to be benefited by the Dunolly line?—I said a very small portion in the town of St. Arnaud, but not beyond St. Arnaud, were in favor of the Avoca line.

4886. St. Arnaud itself?—The greatest population is beyond St. Arnaud, so there would be very few to strike off.

4887. I am not speaking of anything outside of St. Arnaud. I asked the question originally, should we not strike out the population of Dunolly and the population of St. Arnaud from this calculation. I have now got it from you, that a portion of the population of St. Arnaud are in favor of the Avoca line; then would you not deduct that portion as being benefited by the Dunolly line?—It would be very small.

4888. Is there any portion?—I think there is a small portion.

4889. Can you give us the population of St. Arnaud?—No.

4890. Can you tell us what proportion are in favor of the Avoca line?—No; I cannot.

4891. You can only say that it is very small?—Very small.

4892. If a petition from the majority were shown you from the other side you would change your opinion?—Petitions are not much to go by, from what I have seen of them.

4893. You have told us of the population upon the Avoca River, there being a large population, does that population extend down the Avoca River in this direction as well?—Is that between Bealiba—

4894. No; you have told us about the Archdale population and Bealiba population; I want to know about Natte Yallock and Barp, is there a large settlement there as well?—There is a large settlement at Natte Yallock, between Natte Yallock and Bealiba.

4895. And Avoca, I suppose?—Yes; there is.

4896. Is there any portion you know where the Avoca River passes through Avoca?—Yes.

4897. You know where it passes here through Kooroc, between these two points, on that part of the Avoca River—where is the population chiefly settled—is there any difference?—I consider it is pretty much alike from Avoca to the point you named.

4898. That is to say, there is about as much population upon the Avoca River here as here—[pointing out the same upon the map]?—Yes.

4899. Do you see Natte Yallock—the township?—Yes.

4900. How far would that be from the Dunolly and St. Arnaud line?—Take a radius from Bealiba, which would be the nearest point?

4901. No; take a direct line?—About ten miles from Bealiba direct.

4902. How far would that be from the Avoca Valley line?—Take the nearest part of the line?

4903. Yes?—About four miles.

4904. A difference of six miles, therefore. Then take the other point, up about Archdale, where there is a good deal of settlement, how far would that be from the Dunolly and St. Arnaud line?—Four miles.

4905. How far would that be from the Avoca Valley line?—From Archdale to Avoca Valley?
4906. Yes; about six miles and a half, is it not?—I think it will be about eight miles.
4907. Take it eight miles—there is a difference of four miles in favor of the Dunolly population as against six miles for the Natte Yallock population, and they are about the same, I think you say?—Yes.
4908. *By the Hon. W. Wilson.*—Have you a knowledge of the proposed route that the new Avoca Valley line, as laid out, is to take between Avoca and St. Arnaud—do you know the country?—Yes, I know the country pretty well.
4909. Would it supply any great settlement to the west of that route?—There is in the first 12 miles—
4910. Upon the first 12 miles to the west along the line, out towards Warrenmang in that direction?—To the west there is Moonambel, that is right up on the top of the range; that is 12 miles from Avoca.
4911. Then from the 12 miles say on to St. Arnaud, is there any great settlement to the west?—No, little or none after leaving Moonambel till you get to St. Arnaud on the west; but it runs along the Pyrenees all the way to St. Arnaud.
4912. Then the settlement to the east, is it down the valley of the Avoca line—does it proceed far north from the river to the east?—To the east of the Avoca line would include a great portion of the Avoca Valley and the Avoca River within a 10-mile radius.
4913. On the east?—On the east.
4914. You are also well acquainted with the character of the settlement between Dunolly and St. Arnaud, upon the Dunolly and St. Arnaud route?—Yes.
4915. Is there a considerable settlement to the east and north-east of that route?—Yes.
4916. A greater settlement than upon the west of the Avoca Valley?—There is little or no settlement west of the Avoca Valley.
4917. Is there a greater settlement to the north and east of the Dunolly and St. Arnaud line than upon the west of the Avoca Valley line?—Yes, twenty or thirty times—thirty or forty times—there is a large open country there for miles.
4918. Then the Dunolly and St. Arnaud route would oblige a very large number of people settled to the north and east, irrespective of St. Arnaud?—It would take in a large population on the east, between Dunolly and St. Arnaud.
4919. And it would oblige a great portion of the settlement to the west and south of the Dunolly and Avoca line?—Yes.
4920. Coming down as low as Natte Yallock?—Natte Yallock is within a 10-mile radius of it.
4921. Would the Natte Yallock settlement be as well served by the Dunolly and St. Arnaud line as they would be by the Avoca and St. Arnaud line?—One portion would.
4922. As far as the township we will take?—The township of Natte Yallock would be nearer what they call the Avoca Valley line.
4923. A portion would be—taking from where Natte Yallock is put upon the map as the name of the parish?—There is the agricultural area of Natte Yallock.
4924. That would be equally served by the Dunolly to St. Arnaud line as by the Avoca to St. Arnaud?—The north point of the agricultural area of Natte Yallock would be just half way between each line, 5 miles from each.
4925. Do you know the length of the route from Dunolly to St. Arnaud—the railway as proposed?—Thirty-four miles and an eighth.
4926. And from Avoca to St. Arnaud by way of the Avoca Valley?—I do not know what the Avoca Valley is; it is not surveyed. I do not suppose any one can tell.
4927. Is it fully as long—you mentioned that a number of residents in St. Arnaud had recently changed their mind in regard to the route, that at one time they were altogether favorable to the connection between Dunolly and St. Arnaud; but recently some have changed their minds, and were in favor of the Avoca line—can you give the Committee any reason they had for changing their minds?—I believe there were from the beginning always some, a few, in favor of that route.
4928. Why did they change their minds?—I think they are more in the township, but they have a reason for it.
4929. What reason?—I could not give their reasons for it.
4930. But would they be equally well served as regards communication with the metropolis by the Dunolly as by the Avoca route?—They would be I think much better served by the Dunolly route.
4931. Then why should they desire it to be by Avoca?—I cannot understand.
4932. Is it from sympathy with that side?—I rather think so.
4933. Merely from sympathy?—I think so.
4934. But as to being served by a railway, it is a matter of no moment to St. Arnaud whether they go by Avoca or Dunolly?—I heard some of the storekeepers there, rather extensive, say that all they wanted is the nearest route to Melbourne, and whatever would be the quickest done.
4935. Have you any notion why a large section of the Ballarat people should be favorable to the Avoca route?—I believe they contemplate a direct route from Melbourne to Ballarat.
4936. Outside that, is there any reason why they should prefer that route?—No, I do not see why, because it would be a longer route from Melbourne to St. Arnaud by Ballarat than it would be even by Dunolly.
4937. Then, you would set down the interest the Ballarat people take in the extension being taken to St. Arnaud by way of Avoca, to their ultimate notion of getting a direct line from Ballarat to Avoca?—I believe that is what they imagine.
4938. But from your knowledge and experience of the district, which appears to be pretty great, you think a much larger section of the settlement between Dunolly and St. Arnaud would be satisfied with the St. Arnaud and Dunolly route?—Yes, I think there is not the slightest doubt of that, because, if you take the west of the Dunolly route it takes you through level country and a greater portion of the proposed Avoca route within 10 miles, and then they have the whole of the open country upon the north, so it is evident to all that the Dunolly route must serve a greater portion of the settled country.

5 Mr. W. Boag,
— continued,
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4939. Then, from what the Dunolly and St. Arnaud line would oblige of the people to the west (and, therefore, east of the Avoca route) it would leave very few people, indeed, dissatisfied so far as carrying out the Avoca line is concerned?—I consider there is no population, if you go beyond the 10 mile radius upon the Avoca line.

4940. *By the Hon. J. A. Wallace.*—In a question that the Honorable Sir Charles Sladen put to you, you said that the evidence of Mr. Sanderson was much the same as your own?—Yes, so far as I am aware.

4941. I think there is a misunderstanding in a reply of yours to the Honorable Mr. Wilson, that there is a large population on the west of the Avoca and St. Arnaud line, and east a large population. Mr. Sanderson, says, that on the east there is a very small population?—It is a misunderstanding, because there is no population.

4942. It is not so?—No.

4943. There is not a large population on the west side of the Avoca line to St. Arnaud?—No, it is limited to within 10 miles of Avoca.

4944. But by "limited" you mean along the line, not to the west?—Along the line to the west. After leaving Avoca I consider there is no population at all, nothing but ranges.

4945. *By the Hon. J. Buchanan.*—I think you said that there was a large population settled upon the Avoca River north of the Avoca line?—Yes.

4946. Do I understand you, rightly, to say, for a distance of 40 miles?—From the Emu Bridge.

4947. And this is all in the hands of small farmers?—Selectors.

4948. This must be a place of much importance, if there is such a large population?—I consider it is the largest population to keep by the river.

4949. And this is the nearest line of railway to those people on the river?—Yes.

4950. Is it nearer than the Inglewood railway?—Yes; Inglewood is a great distance from this point. I could not tell the distance.

4951. And the people can only be served by this Dunolly line?—Yes.

4952. *By the Hon. R. Simson.*—Are there any root crops grown upon either of these lines?—To a very limited extent.

4953. Where do settlers upon these various routes get those root crops from; their potatoes or carrots?—They generally get them principally from Bullarook.

4954. Does not Port Fairy supply root crops to that district at all?—It did at one time, but the distance is so great—it does not lately.

4955. They do not grow them there, themselves—Bullarook has taken possession of that market?—It is a great deal nearer; at present they come by railway to Dunolly by way of Creswick, and the carriage is very short.

4956. Would the settlers there not be benefited by a line from Hamilton to Stawell and that way, would they get root crops from that part of the country?—I do not think they could be better than what they are at present. I believe potatoes are cheaper in Bullarook than any other part that I know of—twenty-five shillings a ton.

4957. And the district is at present supplied from Bullarook?—From Bullarook.

The witness withdrew.

Thomas Higinbotham, Esq., examined.

T. Higinbotham,
Esq.,
30th August 1877.

4958. *By the Hon. Sir C. Sladen.*—Are you personally acquainted with either of the lines of railway which are the subject of our inquiry now, the one leading from Dunolly to St. Arnaud and the other from Avoca to St. Arnaud?—I am acquainted with them only on the map.

4959. You have not been upon the ground?—No; the surveys for both these lines were made while I was in England, and the late Government, upon the information they had obtained during that time, came to the determination to adopt the line from Dunolly to St. Arnaud. There was, therefore, no question referred to me, and I have not been on the ground.

4960. You are not, therefore, in a position to give a professional opinion upon the merits or demerits of either the one line or the other?—No, I am not, only from reports.

4961. From the reports of your staff?—Yes.

4962. It is upon that that you base your views and estimates and so forth?—To some extent it is.

4963. Then you have sufficient knowledge to be able to give information to the Committee as to the relative estimated cost of the two lines?—Yes.

4964. Would you be so good as to give, first of all, that from Dunolly to St. Arnaud?—The estimated cost of each line per mile is the same, £5750.

4965. Is that the estimated cost of either line?—Yes, for both lines, that is to say, of the line from Dunolly to St. Arnaud, and of the line from Avoca to St. Arnaud—the surveyed line.

4966. They are both through country of a similar character?—The character is so nearly similar, that the same rate per mile has been taken for each line.

4967. But you are not acquainted with the country itself?—I am not.

4968. Then you could not tell us anything of the line running east of the original line from Avoca to St. Arnaud, but if you have not been in the country it is not worth while to ask you the question?—I cannot speak from my own knowledge of that country.

4969. Then I think, as far as that goes, it is not necessary to take up the time in asking you any more questions; but there is a question which I would ask the Committee to permit me to put about the Goulburn Valley, which I omitted to put while Mr. Higinbotham was here before.

The Hon. C. J. Jenner.—There can be no objection; we only want full inquiry.

4970. *By the Hon. H. Cuthbert.*—And may I ask you if you can tell me how many lines of railway were surveyed from St. Arnaud?—To St. Arnaud?

4971. Yes?—There is a line surveyed from Dunolly to St. Arnaud.

4972. As shown here?—Yes, from Avoca to St. Arnaud, as shown here. A flying survey from Maryborough to St. Arnaud.

4973. Those are the only three you know anything about?—Yes.

4974. There is one here indicated by the red line?—Called the Avoca Valley line?

4975. Yes; has the department had anything to do with the survey of that line?—No.

GOULBURN VALLEY RAILWAY.

4976. *By the Hon. Sir C. Sladen.*—With reference to the Goulburn Valley line, the other day some doubts arose in the minds of some of the members with reference to the possibility of any navigation that there might be on the River Goulburn passing the Mooroopna Bridge, and I want to ask you what would be the height of the bridge, and what would be the width of any of the openings, with a view to any possible navigation at any future time?—The height of the bridge to the under side of the girders from the ordinary summer level of the water would be twenty-nine feet.

T. Higinbotham,
Esq.,
continued,
30th August 1877.

4977. And from the floods?—From the floods—from the highest flood recorded, that of 1870, to the underside of the girders would be four feet.

4978. What would be the width of the span?—I proposed a span of thirty feet. I believe that, with that span and with that height, under all ordinary circumstances, there would be a sufficient width and height for the navigation on the river. In an extreme flood there would not be sufficient height for vessels to pass under.

4979. *By the Hon. W. Campbell.*—May I ask whether that would provide for the navigation of the river—would it allow steamers to pass up and down with a width of thirty feet, taking the Murray River as an example, a height of eighteen feet, and that would provide sufficiently for the navigation of the Goulburn?—Certainly, I think, for any navigation likely to come upon that river.

4980. There is no provision made for the navigation of the river above Murchison, or through the Murchison Bridge?—I have not ascertained what the height of the flood at Murchison would be—I could if you desire to know it. I do not suppose it would be very different from what I have given now.

4981. Are you aware whether the river is navigable for any considerable distance above Murchison?—I do not think it is. I am sure there is no navigation now.

4982. Then there would be no necessity to provide for any navigation above Murchison?—No.

4983. Only to Mooroopna?—Only to Mooroopna.

4984. And you think that the height you provide is sufficient?—For any steamers that are ever likely to be used upon the Goulburn.

4985. *By the Hon. H. Cuthbert.*—Is the river navigable now?—Certainly not. It would require a very large sum to make it navigable.

4986. Do you know what is the average depth of the water at Mooroopna?—That depends entirely upon the character of the year and the season.

4987. At the present season about?—I could tell you what it was at Mooroopna at the time that the section was taken.

4988. Will you do so?—It was in the summer; it was at that time about 10 feet.

4989. Would it be an improvement to have a swing-bridge there, suppose the river were rendered navigable?—If the navigation were very important it might be, but at all ordinary levels of the river there would be a sufficient height without a swing bridge.

4990. *By the Hon. F. T. Sargood.*—When you speak of sufficient height, do you refer to steamers?—Yes.

4991. With fixed funnels or hinged funnels?—Of course if the funnels folded back, there would be no difficulty at all.

4992. What height do you think would be required?—I think 18 feet clears every steamer on the Murray except one.

4993. That is with fixed funnels?—That is with fixed funnels.

The witness withdrew.

ST. ARNAUD RAILWAY.

William Henry Greene, Esq., examined.

4994. *By the Hon. Sir C. Sladen.*—What is your profession?—Civil engineer.

4995. In the employment of the Government?—Yes; I am resident engineer in the Railway Department.

W. H. Greene,
Esq.,
30th August 1877.

4996. What line?—The main line and branches.

4997. Is that the North-Eastern line?—No, the main line from Melbourne to Echuca.

4998. *By the Hon. J. Balfour.*—You know the country very well, do not you, where the Dunolly and St. Arnaud, and Avoca and St. Arnaud lines are laid out?—I know the country represented upon this plan.

4999. Had you anything to do with the laying out of these lines?—Yes, the surveys were made under my direction.

5000. *By the Hon. R. Simson.*—Both lines?—Both lines.

5001. *By the Hon. J. Balfour.*—Was another trial survey made between Maryborough and St. Arnaud?—Yes, there was a trial survey made between Maryborough and the Emu, connected with the line now permanently surveyed between Dunolly and St. Arnaud.

5002. At that time was there any railway communication between Maryborough and Dunolly, or Maryborough and Avoca?—Yes, but the survey has only been recently made—in the early part of this year.

5003. Then there are three lines upon which trial surveys have been made?—Yes.

5004. And besides these three, there is a projected line, what is called the Avoca Valley line, but no survey has been made of it?—There has been no survey made of it.

5005. Do you know the country through which it passes?—Yes.

5006. Looking at these lines, and from your knowledge of the whole of the lines there, which would you say would best serve the population of that district. Taking now the Maryborough and St. Arnaud, the Dunolly and St. Arnaud, and the Avoca Valley—and we will leave out the trial survey—which of these three lines would serve the population best, as far as you know?—The population in the country represented by this plan would be best served by a direct line from Maryborough to St. Arnaud.

5007. On the line from Dunolly to St. Arnaud, would you kindly inform the Committee what engineering difficulties exist; are there many in the first place from Dunolly to St. Arnaud?—No, not many; the gradients are not so good as upon the direct line.

5008. The Maryborough line?—The gradients on the Maryborough line are not quite so good as those upon the line from Avoca to St. Arnaud by the Avoca Valley.

W. H. Greene,
Esq.,
continued,
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5009. Then the gradients I understand from your answer are best upon the direct line from Maryborough to St. Arnaud?—Yes.

5010. The next best upon the Avoca Valley line?—Yes.

5011. With regard to the country from Dunolly, say to the Emu, is there a large population upon that part of the line?—No, not between Dunolly and Bealiba.

5012. Then north-east, looking at Painswick, is there much population up to Moliagul?—I have not been lately to Moliagul; there is a digging population there, not a large one.

5013. Then the agricultural population upon this line seems to begin at the Emu towards St. Arnaud?—On the line between Dunolly and St. Arnaud; it commences a little beyond Bealiba.

5014. Would the bulk of that population be served fairly should the line not be made by way of Dunolly, that is, would they find their way to St. Arnaud without travelling a great distance? How far would they have to go to St. Arnaud from their residence, take the extreme point? There is a large agricultural population upon the Avoca?—Seventeen or eighteen miles from St. Arnaud.

5015. Would that be the nearest point if the Avoca Valley line is made?—No.

5016. What would be the nearest point of railway communication?—That would depend upon how near the Avoca Valley line is brought towards Emu.

5017. Can that be known till the trial survey has been made?—No, not until another trial survey has been made.

5018. Take the Avoca Valley line for the same purpose, where is the chief population upon the Avoca Valley line?—From Natte Yallock downwards, in fact the whole way down the valley from Avoca towards the Emu Bridge.

5019. But there is not much population upon the west I understand of that projected line?—No, the Pyrenees Ranges come very near it upon the west, and they are not thickly populated.

5020. If you had to make your selection and you considered only population between these two lines, the Dunolly and the St. Arnaud line and the Avoca Valley line to St. Arnaud, which would serve the largest population best, taking the point alone just now of population?—The Avoca Valley would serve the population best, because it is the longer of the two.

5021. The longer line of the two?—It is the longer line of the two.

5022. How many miles—about eight or nine miles, is it?—Yes.

5023. What do you make the number of miles of the Dunolly line?—The permanent line from Dunolly to Avoca is thirty-three miles and an eighth in length.

5024. What do you estimate the line would be by the Avoca Valley?—It is not surveyed, and it would all depend upon how far north it ran before going west to St. Arnaud.

5025. Starting from Avoca?—I understood you starting from Maryborough; starting from Avoca it would be four miles further from Dunolly to St. Arnaud.

5026. Then is your answer the same now, which would serve the existing population best of these two lines, the Dunolly to St. Arnaud or the Avoca Valley?—The population upon the country shown upon this plan would be better served by the Avoca Valley line.

5027. I understood there was a large population north of the Emu that would be better served by the Dunolly line?—Certainly, but I speak of the country upon this plan.

5028. But from your knowledge of the country, which would serve the greatest number of people?—I really do not think there is much difference between them.

5029. Now as to the engineering difficulties of the Avoca Valley Line, do you think they would be important?—No, I think that the cost per mile is much the same on both lines.

5030. About the same. Then as regards the produce, taking St. Arnaud as the producing centre, which line do you think would be best for road-side traffic?—The Dunolly line now projected is the better for produce.

5031. On the ground of shortness?—On the ground of shortness.

5032. But as regards road-side traffic?—I have prepared a plan showing the distances from each station on the projected line and on the existing line, and there is a very small portion of this country that is outside a radius of ten miles from some station, provided the Dunolly and St. Arnaud line is carried out as projected.

5033. Outside a radius of ten miles, even at this moment?—If the line projected by the Government is constructed from Dunolly to St. Arnaud.

5034. But is there not a large producing district that the Avoca Valley Line would pass through?—Yes, but that would be accommodated from the Avoca station on the south, and from the Emu and Beilaba stations upon the north.

5035. Then with regard to the construction, you have told us the cost would be about the same; is there any difference as regards soundness of country?—No, nothing worth speaking of.

5036. Or ballast, or timber?—No, I think there is not much difference between them.

5037. Which would be easiest obtained?—About the same.

5038. And the tractive power about the same?—Yes, very little difference.

5039. I understood you to advocate the Maryborough direct line as being better than either of these?—It would be if the existing lines from Avoca and Dunolly to Maryborough had not been constructed; but if either of these lines must be utilized, I have no doubt that the present projected line is the better of the two.

5040. Which is that?—The Dunolly to St. Arnaud is better than the Avoca line.

5041. Better than the Avoca Valley line?—Because it is the shorter line of the two. If the line were constructed from Avoca, it must follow the valley more or less, the trial line originally taken along the spurs of the Pyrenees cannot be adopted as a permanent line.

5042. You give your preference to the Dunolly and St. Arnaud line on the ground of length?—On the ground of length.

5043. That is the only ground?—That is the only ground.

5044. Then regarding mining operations, is there much mining on the line from Dunolly to St. Arnaud?—No, not very much.

5045. Then there would be no important traffic in regard to timber for mines, or bringing down gold, or taking up stores?—No; I think there would be more traffic on the western route near the Pyrenees—that is, timber going from the Pyrenees to mining districts.

5046. Coming south?—Coming south.

5047. The bridge over the Avoca, at Avoca, on the Avoca line, would that be a more costly structure do you think than the bridge over the Avoca on the Dunolly line—have you an estimate of the two bridges?—They would cost about the same.

5048. Would there be much traffic upon this line, in the way of bringing up potatoes and root crops from the south to this district?—I think that traffic would be from St. Arnaud towards Dunolly, with root crops from the Donald district.

5049. It would come up by way of Donald to where?—To St. Arnaud, and thence by railway to St. Arnaud to Dunolly and Sandhurst.

5050. It would not come up from the Burrumbeet district?—I do not think so.

5051. *By the Hon. H. Cuthbert.*—Then, I think I understood you to say that there was very little good land on the western side of the Avoca line as originally surveyed?—There is very little good land on the western side.

5052. And, in answer to the Honorable Mr. Balfour, when he put a question to you about the Avoca Valley line, I think you said that, from Avoca up to Natte Yallock, this line would be more advantageous to people residing there, and to a greater number in that locality, than along the Dunolly line for a similar distance, say ten miles, from Avoca to Natte Yallock—that if the Avoca Valley line were constructed it would serve a great number of people there?—Yes, there is more population in the first ten miles from Avoca towards Natte Yallock than there is in the first ten miles from Dunolly towards St. Arnaud.

5053. Now, are not all those people served by having a station at Avoca?—I think so; it is impossible to bring a railway to everybody's door, and the whole of that country is or will be within ten miles of some station when the Dunolly and St. Arnaud line is constructed.

5054. Then the people of Natte Yallock would be served, for a distance of ten miles, by the Dunolly line?—No, but by the present Avoca station.

5055. Take Bealiba as your centre, and a radius of ten miles, would that bring you to Natte Yallock?—Yes; the north and east of Natte Yallock would be accommodated by the Bealiba station.

5056. The next station would be the Emu station?—Yes.

5057. That would be of great service, as I understand, to all the people on the north and north-east of Emu?—Yes.

5058. Is there much selection to the north and north-east of Emu?—I have not been there lately but the Crown lands plan shows a good deal of selection.

5059. For many miles?—Yes.

5060. Would the people residing above St. Arnaud be better served by this Dunolly route than by the Avoca?—I should think so, certainly, because it is shorter.

5061. *By the Hon. J. A. Wallace.*—I understood you mentioned just now that there was an equal quantity of ballast upon both lines—Mr. Couchman last night informed us that there was good ballast at St. Arnaud and Dunolly on both lines—is there any good ballast at these places?—Yes.

5062. *By the Hon. N. Fitzgerald.*—In sufficient quantity?—Yes, in sufficient quantity.

5063. *By the Hon. J. Balfour.*—As to the population north and north-west of Emu, you said it was considerable?—Yes.

5064. And most of that would be served by the St. Arnaud station, whichever line was constructed—how far would that settlement be from St. Arnaud?—Following the valley of the Avoca?

5065. Yes?—Fifteen or twenty miles from St. Arnaud station.

5066. But how far would that be from the nearest point of the projected Avoca Valley line, as far as you can judge where it would come?—It commences at the Emu, and follows the valley of the Avoca north.

5067. Probably the Avoca Valley line, if constructed, would come towards Emu?—Yes.

The witness withdrew.

Mr. Maurice Edwin Kernot, examined.

5068. *By the Hon. the Chairman.*—What is your profession?—A surveyor.

5069. In the employment of the Government?—Yes, in the Railway Department.

5070. On which lines are you engaged now?—On the Dunolly and St. Arnaud line.

5071. *By the Hon. J. Balfour.*—Have you been engaged in making this survey of Dunolly to St. Arnaud?—Yes.

5072. Have you gone over the whole distance?—I have only been engaged in making the survey of a portion of it.

5073. What portion?—The half near St. Arnaud.

5074. Near Bealiba?—Commencing about 4 miles beyond Bealiba.

5075. Are there any engineering difficulties beyond Bealiba towards St. Arnaud?—Nothing so serious as before you come to Bealiba.

5076. Have you been engaged in the additional survey lately made to shorten the line upon the part you speak of?—Yes.

5077. On the original survey there were difficulties, I believe?—There were.

5078. You are escaping them by the new line?—Reducing the difficulties.

5079. Where does the population lie upon the portion of that line you have been surveying?—About

Carapooee.

5080. That is westward from Emu, is it not?—Yes, about half way between Emu and St. Arnaud.

5081. Most of the population of the line you have been surveying lies in that direction?—Yes, I believe there is a large population in the Avoca Valley, but it is all below Emu.

5082. The Carapooee population would lie nearer to the Avoca Valley line than to the line you have been surveying?—Yes, I think it would be about equally well served by either.

5083. Which is it nearest—you say it lies west of your line?—West of the Emu; it is about where the line crosses the Carapooee Creek.

5084. Does not the line go through Emu?—Yes.

5085. And this lies west of that?—North-west.

Mr. M. E. Kernot,
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5086. And the Avoca Valley line would come north-west too?—Yes, the Avoca Valley line might join this line before Carapooee.
5087. Have you had your attention called to whether there is ballast to be got for the line upon this part that you have been surveying?—I have.
5088. Is there ballast?—There is a moderate quantity—sufficient, I think, for the line.
5089. Gravel or stone?—Gravel from the gold workings.
5090. Is there good timber there?—The timber near the line is of poor quality, but I believe there is good timber within 6 or 7 miles.
5091. Do you know anything of the population north-east from where you have been?—I have never been there.
5092. Do you know whether there is a large settlement taking place there?—I only know by hearsay.
5093. You know there is a large population along the valley of the Avoca River?—Yes.
5096. Have you travelled over the country worked by the Avoca Valley line?—Yes, only the portion of it from Natte Yallock downwards.
5095. Do you mean downwards, north?—Towards St. Arnaud.
5096. Then, would it be a good sound country for a railway?—The whole country is similar.
5097. But of the two lines the proposed Avoca Valley line and the line you have been surveying, which would be the easiest to make?—I can see very little difference, without making a survey I could not say there was any difference.
5098. So far as you could judge of the population upon these two parts of the two lines, which would it be best served by?—I think it is very probable that the Avoca Valley line would join this line about the Emu, and therefore the two lines are identical.
5099. Then further down the population spreads over the valley by the Avoca?—Yes.
5100. Would that be better served by the line direct from Avoca, or by the line direct from Dunolly?—By the line direct from Dunolly, but there would not be much difference.

The witness withdrew.

Mr. Henry Hall examined.

Mr. H. Hall,
30th August 1877.

5101. *By the Hon. the Chairman.*—Are you the secretary to the shire council of Avoca?—I am.
5102. *By the Hon. J. Balfour.*—Do you know the country through which the Avoca Valley line passes?—I do.
5103. Can you state whether the St. Arnaud population are in favour of this Avoca Valley line or the Dunolly line?—I can only state my belief that the majority of the St. Arnaud people are in favour of the Avoca line.
5104. Has that been expressed in any way at meetings, or by the press, or by petition?—Before the St. Arnaud shire and the borough of St. Arnaud decided to assume a neutral position, they were both in favour of the Avoca line, and the oldest paper of St. Arnaud, the *Mercury*, has written leader after leader, strongly expressing an opinion in favour of the Avoca line.
5105. Which line do you think would serve the population best, as it exists at the present moment?—Which population do you mean?
5106. I mean first all the population indicated upon the map, and then taking in any population that is settled to the north-east of Bealiba and the Emu, which of those two lines would serve them best?—I know nothing of the country north of the Dunolly line.
5107. Will you tell us then the population through which the Avoca line passes, can you give us any information?—I can. The Avoca line passes through the Avoca shire for a length of 11 miles and a half; it then gets into the St. Arnaud shire. I have taken out the rateable property ten miles on each side the line, for the six miles and a half through the north riding of the shire, omitting all property five miles from Avoca. On the east of the line, in the parish of Bolerch there are 2525 acres; rateable value, £400. On the east of the line, in the parish of Moyreisk, 2162 acres; rateable value, £572. In the parish of Natte Yallock, east of the line, 2605 acres; rateable value, £617. Parish of Rathscar, the north-west portion, east of the line, 10,166 acres; rateable value, £2074—making a total, east of the line, of 17,458 acres; rateable value, £3663. I estimate the population of that portion at 480. West of the line, the parish of Warrenmang, 6165 acres; rateable value, £1535. Parish of Redbank, 1187 acres; rateable value, £755. Parish of Moyreisk, 948 acres; rateable value, £203. Moonambel, 1803 acres; rateable value, £1708—making a total in the north riding, west of the line, of 10,103 acres; rateable value, £4201. And I estimate the portion of the west riding which would use this line, 4938 acres; rateable value, £3822. I omitted to state that the population west of the line I estimate at 1336 in the north riding; west riding, population 1384.
5108. That is 480, 1336, and 1384?—Yes; making a total acreage of the two ridings of 32,499 acres, rateable value £11,686, and a population of 3200.
5109. And you have omitted within five miles of Avoca?—I have omitted within five miles of Avoca.
5110. Have you omitted any part within a certain distance of St. Arnaud?—I can give you the totals of the remaining portion of the blue line.
5111. Is that only the total of six miles and a half from Avoca?—Yes; through which the blue line would pass in the shire of Avoca.
5112. You have not given us the portion north of the line?—I can give you the population of the remainder of the line through the St. Arnaud shire, furnished by the St. Arnaud valuer, but the valuer is here present to be examined as a witness. The acreage through the St. Arnaud shire is 49,097.
5113. We will get this from the St. Arnaud valuer if you please. Then you have only given us the acreage, valuation, and population of the six miles and a half that it passes through of the north riding of the Avoca shire?—Yes, and that portion of the west riding interested in the Avoca Valley line.
5114. Then we have heard that there is no population, no settlement upon the west of this proposed line—is that so?—It is not so.

5115. According to your statement now, you have given us 1336 persons?—Yes, in the north riding; and 1384 in the west riding. Will you permit me to read a list of the schools west of the line, with the number of children upon the roll, taken from the Education Department. Mr. H. Hall,
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5116. Yes; west of the line?—Yes; as corroborative of the population; the schools west of the line, with the children upon the roll—Percydale—

5117. How far from Avoca do you commence?—The nearest school is six miles. Percydale 135, Kimberley 36, Warrenmang 33, Moonambel 125, Redbank 77, Voss's 26, Stuart Mill 153, and Willis's 36. That makes a total of 621 scholars west of the line in the north riding.

5118. And how many school-houses?—Eight. East of the line there are three school-houses—Natte Yallock 52—

5119. What is the total number?—One hundred and sixty-one; making a total of scholars of 782 in the north riding. In the west riding are three schools numbering 266 scholars.

5120. Can you give the Committee any reason in favor of this Avoca Valley line—a reason that would strike you as being in favor of it over the Dunolly line, from your knowledge of the place?—I think it would serve by far the largest population, and be more cheaply constructed, if I may be allowed to express an opinion.

5121. We have heard from the engineer, that they would cost about the same?—I have been over both lines very recently.

5122. Was this line proposed to be constructed, the Avoca Valley line, before the Dunolly line was proposed?—This line that is now projected, called the Avoca Valley line, has always been the line supported and favored by the inhabitants.

5123. Which inhabitants?—Of the portion of the shire through which it passes.

5124. I suppose the engineer of the shire can give us his opinion in regard to the nature of the country it goes through better than you could?—He can.

The witness withdrew.

Mr. Wm. Swanton examined.

5125. *By the Chairman.*—What are you?—A valuer.

5126. For what shire?—For the St. Arnaud shire.

5127. *By the Hon. J. Balfour.*—We have just heard regarding the statistics of the district in the Avoca shire through which this Avoca Valley line passes; we wish to have your evidence to supplement that with reference to the statistics of that portion of the St. Arnaud shire through which the line passes?—Would you like the totals?

5128. Yes, acres, value, and population?—49,097 acres; net annual value, £10,579 10s.

5129. Population?—2390.

5130. Will you kindly inform the Committee where you draw a line—where do you commence?—That is from the Avoca shire boundary to within about 4 miles this side of St. Arnaud shire boundary.

5131. Not including St. Arnaud?—No, not including St. Arnaud.

5132. *By the Hon. W. Wilson.*—Do you mean to inform the Committee that the line known as the Avoca Valley line would benefit that portion of the St. Arnaud shire that you have mentioned, 49,000 and odd acres by that route, and that it would not touch or be benefited by any portion of the Dunolly or St. Arnaud line?—A portion of it would be common to both.

5133. How much?—Something like 12,000 acres.

5134. And that is in the one riding?—That is in the one riding. St. Arnaud shire, south riding, is a very large riding.

5135. To the north-east of the line, from St. Arnaud to Dunolly, is that a riding also in the St. Arnaud shire?—That is in the St. Arnaud shire; I have valued that portion.

5136. Have you got any statistics of it?—I have not the statistics of that portion.

5137. Then why did you bring only the statistics of the one route, and not the statistics of the other?—I have only got it from a certain distance, from the line about 10 miles each side of the line.

5138. What line?—The Avoca Valley line, and I have it also up to the portion that this includes, as I say 12,000 acres is almost common to both, which is to the north of the Dunolly line.

5139. Does that go 10 miles north of the Dunolly line?—No, not quite; not above 8 I suppose.

5140. But the 49,000 acres is common almost to both lines?—No, only about 12,000 acres; and that is in the parish of Kooroc.

5141. Do you know the Emu upon the map?—Yes, I do well.

5142. Does that belong to your shire?—It does.

5143. Have you embraced the area selected about the Emu?—There is nothing there to value except a few selections, two or three only.

5144. Do you go ten miles north of the Emu down the valley of the Avoca?—Yes about eight miles.

5145. There is little or no settlement there?—This eight miles is north of this area.

5146. That is where the principal settlement is?—Yes, the Kooroc.

5147. That is the principal settlement?—That is the principal settlement there; but there is no settlement for a long way from the Emu.

5148. But from the eight miles onward does the settlement continue?—It does towards East Charlton.

5149. Then by going eight miles, you only commence the settlement beyond the Emu?—Yes, that is the commencement of the principal settlement.

5150. Then the Avoca Valley line would be of no advantage to the settlers eight miles beyond Emu?—No, the St. Arnaud station comes in.

5151. But the Emu would be taken advantage of by this settlement to the north-east of that?—About 8000 or 10,000 acres.

5152. It would go beyond your shire boundary, would it not?—No, our shire extends a long way, right up to Swan Hill.

5153. But your statistics only went the length of eight miles?—Yes.

5154. And it was at that point the settlement commences to be rather dense?—Yes.

Mr. W. Swanton,
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Mr. W. Swanton,
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5155. *By the Hon. Dr. Dobson.*—In the statistics you have given us of the Avoca Valley did you include in the figures any part of the shire south of the town of Avoca?—I am from St. Arnaud shire, not Avoca.
5156. Do you know the nature of the country west of the line?—I do.
5157. What sort of country is it?—Ranges to the west, with good agricultural land.
5158. Much of it?—An area of 15,386 acres.
5159. Along the line?—West of the blue line—of the Avoca Valley line—and I may further state—
5160. Is that between the line and the ranges or on the other side of the ranges?—Part of it is across the ranges, and further over the ranges is all agricultural country for miles and miles—that would all come in this way.
5161. What distance on an average is it from the line to the ranges on the west?—It varies very much, from one or two miles or thereabouts.
5162. Do not some of the spurs actually cross the line?—No, the main flats run up—there is a main flat from Avoca to within four miles of Stuart Mill.
5163. *By the Hon. J. Balfour.*—How far does this selection extend that commences about eight miles north-east of Emu?—Northward?
5164. Northward and north-east?—It extends right down the Avoca as far as I know to East Charlton and down that way.
5165. Is there a large population there?—Just a large agricultural population.
5166. What station would be nearest to that population, if the Dunolly line were constructed?—St. Arnaud.
5167. Not Emu?—No, it is not that way at all.
5168. Then would that population have anything to say in the matter as to the Dunolly or Avoca line?—No; I say it would be common to both.
5169. They would have only the question of distance to be travelled over to consider?—Yes. I may state, with your permission, that the whole of these statistics are correct, as they are taken from the shire books, and taken upon a declaration.

The witness withdrew.

Mr. James Gibson Farquhar examined.

Mr. J. G. Farquhar
 30th August 1877.

5170. *By the Chairman.*—Are you the shire engineer to the St. Arnaud Shire?—Yes.
5171. *By the Hon. J. Balfour.*—You know the proposed Avoca Valley line and the country there?—Yes, I know it well.
5172. Have you taken any levels?—I have taken no levels with an instrument. I have merely travelled over it.
5173. Do you think there would be any difficulties in constructing a line?—None whatever.
5174. Would it pass over spurs of ranges?—At one part it would, about 22 miles from Avoca.
5175. Any other spurs?—Near St. Arnaud there are two or three ranges to cross, but both lines have to cross the same ranges to get into St. Arnaud.
5176. Will the alteration now being made in the Dunolly line not get out of the way of those?—It will not get out of the way of them; but it will make an easier gradient than the original line.
5177. Could the Avoca Valley line take that?—Yes.
5178. Making much of a detour?—No; a better route than the Dunolly can be selected by keeping midway between them and coming out by the St. Arnaud cemetery.
5179. Do you think the line would go anywhere near Emu?—The Avoca Valley line would not.
5180. It does not show it in this plan, but I understand you would have to make a considerable deviation in the construction of the Avoca Valley line?—Not at all; a very slight deviation.
5181. We were told by one witness last night that there were a series of spurs, and great engineering difficulties on this line?—It is not the case.
5182. Is the country sound country?—Very sound.
5183. Much timber upon it?—It is better timbered than the other line for about half the distance, especially in the Avoca Valley.
5184. What kind of timber?—Red gum has been taken from the Avoca Valley, about Natte Yallock and other places, to construct other lines.
5185. How would the Natte Yallock people be served—which of the two lines would suit them best, Dunolly and St. Arnaud or the Avoca Valley?—The Avoca Valley line would suit the Natte Yallock people best.
5186. How far would the extreme point of the Natte Yallock population be from the Dunolly line—what is the furthest distance?—[*The witness examined a plan.*]—About 15 miles, I should think, in a straight line.
5187. How far would the extreme point of the Natte Yallock population be from the Avoca line?—I should think about 6 miles.
5188. Is that a well populated part of this country, Natte Yallock?—It is very well settled. There is not a large population; it is all fenced in, I may say, and being cultivated.
5189. Selected land?—A good deal of it is selected, the other is purchased.
5190. Where is the largest population, looking at that map, and not forgetting that portion to the north-east of Emu which is not shown here?—The largest population is along the banks of the Avoca and on towards the Cherry-tree Creek.
5191. Both sides of the Avoca?—Both sides of the Avoca and on both sides of the Cherry-tree.
5192. We heard something said of its being an engineering blunder to form a line from Dunolly to St. Arnaud: have you heard that?—I have seen it in the papers.
5193. As being the opinion of an engineer?—It was stated so there.
5194. How about ballast? Where would the ballast be got easiest on the Avoca Valley line?—From my knowledge of the country, I believe that ballast would be easier procured on the Avoca line than upon the Dunolly line. I travelled over both with that object in view. There are ten or twelve miles along the Dunolly route where there is no ballast at all; while upon the Avoca Valley line ballast can be got within five or six miles, which is the greatest distance I have observed.

5195. The line from Dunolly to St. Arnaud is the shorter of the two?—Yes, about a mile.

5196. Then why do you advocate, on public grounds, the line called the Avoca Valley line?—I would advocate it because it would accommodate the greatest number of people; the gradients would be much easier, and the line more easily constructed and kept in repair; and those are the chief reasons why I advocate this route.

5197. We have heard in evidence that they would cost about the same—that there would not be much difference in gradients; can you give me an idea of the nature of the country from Dunolly to Emu, say, is it level?—The first five or six miles is tolerably level; for the next five or six miles it is very hilly and rangey. There would be very heavy gradients at that part, near Bealiba, I am quite sure. It is tolerably level thence to Emu. Then comes a sandy desert for about twelve miles, no house of any sort to be seen, except a shepherd's hut upon the main road: that is the last place you see till you come to Carapooee. Where this settlement shown upon the map is I do not know, and I question very much the accuracy of the plan, and I think it is calculated to mislead honorable members.

5198. This is not intended to show population, but agricultural areas?—Yes, but you would presume, when you see a plan marked off in squares like that, that it is populated.

5199. Where is it that there is no population?—Between the Emu and Carapooee; for ten or twelve miles there is no population.

5200. What is the nature of the country toward the north-east—is it good?—Towards the Avoca it is so.

5201. But away from the Avoca what is the nature of the country?—Very good farming country towards the Major's line back towards the Avoca to the north-east.

5202. What is the nature of the country to the west of the projected Avoca Valley line?—Much of the same character as where the line runs, all down this Avoca Valley; about Archdale, for instance, to the west of the Dunolly line there is very good land; that is the Avoca Valley.

5203. But take west of the Avoca Valley line; what country have you there?—West of the Avoca Valley line there is settlement as far as the Pyrenees, a range of hills running within a distance of an average of 5 or 6 miles of the line. Those spurs run down, and in between them is cultivation and farms, and one or two of them are upon the main road. Moonambel, Navarre, Red Bank, Stuart Mill, and Barkly, and other small mining townships, would be accommodated by that line.

5204. It is not all rangey and bad country to the west of the line?—There is a succession of ranges, called the Pyrenees, there; they are not regular or even.

5205. You have valleys between?—There are valleys between the spurs, coming down to the blue line in some cases.

5206. Have you anything else upon which you would like to inform the Committee?—Nothing that I am aware of.

The witness withdrew.

Mr. George Porter Maddison examined.

5207. *By the Chairman.*—What are you?—I am by profession a mining engineer and coal viewer; I am a farmer now at Natte Yallock. Mr. Maddison,
30th August 1877.

5608. *By the Hon. J. Balfour.*—Where do you reside?—At Natte Yallock.

5209. At the township?—No, about 3 miles from the township.

5210. Do you know this country well?—I do.

5211. How long have you been resident there?—Seven or eight years.

5212. Are you an engineer by profession?—I am a coal viewer.

5213. Have you made any examination of this country?—No, I have not; I have not been requested to do so; I know the country between Cherry Tree Creek and Avoca intimately.

5214. Is there much population in that part of the country?—There is.

5215. The Cherry Tree Creek passes from Red Bank and joins the Avoca. What sort of country is this for a railway; would it be difficult; are there any steep gradients?—No; no gradients whatever of any moment. I might state, as this line is drawn, there might have to be a little deviation, to get past the point of a range; but there can be perfectly level ground obtained the whole of that distance, in my opinion.

5216. How much additional length would that give it?—I think not a quarter of a mile, for in making the rail of a large radius it would not increase the distance to any great extent.

5217. Would it pass through more populated country by that deviation or less?—I think through more populated.

5218. Is there much timber for railway purposes?—Yes, a very considerable quantity of red gum timber; and I know of my own knowledge that the sleepers for the Dunolly and Maryborough line, and also the Maryborough and Talbot and Maryborough and Avoca, were extensively got from red gum from that area.

5219. In the neighborhood of Natte Yallock?—Yes; there were steam sawmills there for that purpose.

5220. Do you know the country where the trial survey has been made, between Dunolly and St. Arnaud?—I do not know it further than Bealiba and Dunolly; and I have not lately been over that personally.

5221. Between Bealiba and Dunolly. Would that be a country easy to be made?—I do not think so, from what I have seen of it. I think there would be a very heavy gradient, from Dunolly, crossing the Black Ranges to get to Bealiba.

4222. How are they off for timber?—I do not know.

5223. Is there any ballast up the Avoca line?—Yes.

5224. What kind of ballast?—Gravel.

5225. From diggings?—No; from the natural surface.

5226. Good ballast?—Good gravel ballast.

5227. Do you know the district of Natte Yallock, as shown upon the map, sufficiently to speak of the population?—Yes, that portion of it.

Mr. Maddison,
continued,
30th August 1877.

5228. You could not say, from your own knowledge, which would serve the population best?—I could not say.

5229. *By the Hon. J. A. Wallace.*—You say there is a very heavy gradient upon the Dunolly line?—I knew that from my own knowledge of the country, having, some years since, passed over the Black Ranges at a considerable elevation from the Dunolly station.

5230. You were asked whether there was any good timber?—I do not know.

5231. If you do not know whether there is good timber, how do you know whether the grade is a light or heavy one; if you know something of the grade, you must know something of the timber?—I think that question has nothing to do with the other.

5232. If you could judge of the appearance of the line, whether a heavy or a light grade for the line, surely you would be able to say what the timber was?—I do not see the force of it.

5233. Do you understand me. You say there would be a heavy grade upon that line; if you have been there and seen the grade of the line, you ought to know what sort of timber is growing upon that grade?—It is some years since I was there; but, nevertheless, I know that such is the fact—that, at this point, it is a considerable elevation from the Dunolly station. And I did not make any particular observation as to timber; and I cannot state whether there is timber; there may be and there may not.*

The witness withdrew.

Mr. Theophilus Nicholls examined.

Mr. T. Nicholls,
30th August 1877.

5234. *By the Chairman.*—What are you?—Shire secretary and engineer of the Lexton shire. I may say that I wish to be examined only in respect to the Springs country district, and not in regard to my profession.

5235. *By the Hon. J. Balfour.*—What produce does the Springs country chiefly grow?—I took it only in regard to root crops, that the question would bear at all.

5236. I understand from you that no root crops are grown about St. Arnaud?—I think not.

5237. Then there are no root crops—potatoes and so forth—grown about St. Arnaud and that district?—I think not of any consequence.

5238. Where do they draw their supplies from?—From Bungaree on the one side, I suppose, but largely from the Springs district, about 20 miles from Avoca.

5239. Then if the Avoca Valley line were constructed, I suppose you mean us to infer that there would be considerable carriage of those roots by rail?—28½ miles would be the extra mileage.

5239A. From what?—From Avoca to Maryborough, and from Maryborough to Dunolly.

5240. That is, if the line were made by Dunolly, it would be 28 miles additional carriage of root crops?—Yes, that is the object of the petition of the shire council of Lexton.

5241. The council have petitioned in favour of which line?—The Avoca Valley line.

5242. In consequence of the large trade done between that district and St. Arnaud in root crops?—Yes.

5243. *By the Hon. J. Buchanan.*—May I ask where Lexton is?—Fourteen miles south of Avoca; Springs, twenty miles.

The witness withdrew.

Mr. John Finlay examined.

Mr. John Finlay,
30th August 1877.

5244. *By the Hon. W. Wilson.*—I believe you live somewhere in the neighborhood of St. Arnaud?—Some time since, not always.

5245. But where do you live now?—St. Kilda; sometimes in St. Kilda, sometimes in Towaninnie.

5246. You have a large interest in the neighborhood of St. Arnaud?—Oh, no! not at all.

5247. *By the Hon. Dr. Dobson.*—In the railway?—No, nothing in the railway.

5248. *By the Hon. W. Wilson.*—How far are you from St. Arnaud that your interest goes?—I have no interest whatever.

5249. Then, Mr. Finlay, I have been very much misinformed; for I was assured that you had a very large interest in the neighborhood?—No; I was asked to give evidence upon the extension of railway from Dunolly to St. Arnaud as against Avoca to St. Arnaud.

5250. At one time you had a considerable interest in that country?—I have travelled over that country for years.

5251. You have a personal knowledge of the country?—Yes.

5252. You were present, were you, when the valuator for the shire of St. Arnaud was examined, and heard his statement as to the settlement north-east of Emu?—Yes; but I do not think that is in the shire of St. Arnaud at all.

5253. He stated that it was?—I am afraid he is mistaken.

5254. I refer to the going down the valley of the Avoca?—Yes; pardon me, on the west of the Avoca Creek it divides the shire.

5255. The river divides the shire?—Yes; and all the questions asked by the Committee relative to how the district and the country would be situated as to railway extension to Emu has never once been answered.

5256. We will endeavor to get that information now—the secretary for the shire of St. Arnaud was confining himself to the settlement upon the west side of the Avoca?—I think so, from the way he answered the questions.

5257. From your knowledge, is the settlement upon the east side of the Avoca great?—No, I do not say it is.

5258. Is there considerable settlement upon the east side?—Yes; but those people, to go to St. Arnaud, would have to bridge the river every 3 or 4 miles.

5259. He made a statement, which I suppose you heard, that the station at St. Arnaud would serve the purposes of the selectors all along the Avoca Valley from the Emu down to the north—is that your experience of the country?—No.

* In explanation, I may be allowed to state that time cannot change the aspect of the country, but it may materially change it in respect to growing timber, therefore I cannot speak as to timber at present growing.—Geo.P.M.

5260. Then you think, to be of any service to the settlement along the valley of the Avoca to the north-east of Emu, it would be necessary to have a station at the Emu?—Yes, I think so. Here is a map upon a larger scale with the Avoca Creek laid down upon it, and St. Arnaud is where my finger is—*[exhibiting a map]*—and the people are all east here, and you would have to bridge the river every two or three miles for them.

5261. That is to get into St. Arnaud from the east?—Yes.

5262. Then the settlement along the west would be good so far as the shire secretary stated it—that the residents upon the west side would go to St. Arnaud?—But you must bear in mind that the line is running west all the time, and people will not go back upon it. Emu must be an important station, if the railway is made there; it must be a place not only for receiving large quantities of grain from both sides of the river, but also for the carriage of stock, when it is introduced—that is the only place to truck them, because the Avoca has permanent water at all seasons of the year.

5263. Have you any knowledge of the settlement about Bealiba?—Yes.

5264. Is it of importance as to settlement?—I have a very poor opinion of both these lines as to settlement—it is not very great.

5265. Then you lead the Committee to infer that so far as serving the district between Dunolly and St. Arnaud is concerned, it is of very little moment by either line?—The only thing from Dunolly to St. Arnaud is, it will serve a far greater population than the other ever can.

5266. Of the two evils you think Dunolly is the least evil?—Certainly. In extending from Dunolly to St. Arnaud you tap the northern country, and then at the Emu all the traffic down towards East Charlton may go from that station.

5267. Then the profit and advantage from railway extension to St. Arnaud is to be looked for from the settlement north and east of that?—Generally.

5268. You have considerable knowledge of the whole of that country?—Yes.

5269. Is the settlement great?—Yes; down the Avoca it is for sixty miles.

5270. Very dense settlement?—I can show you the survey of one of my own stations about sixty miles off.

5271. They would not come sixty miles to this station—would Inglewood serve them?—That is almost consecutively. I do not think a railway would be made from Inglewood to the Avoca Valley.

5272. You think that, to make this railway, was the only thing for the settlers in the Avoca Valley?—I think that is the only thing to be done for them.

5273. In choosing between the Dunolly line and the Avoca Valley you give the preference to the Dunolly and St. Arnaud line?—Yes, I do; because there is no land of any account, only little pieces of land, along the western side of the other line; nothing to support a railway.

5274. *By the Hon. N. Fitzgerald.*—On the western side?—Yes.

5275. The Pyrenees side?—Yes.

5276. *By the Hon. W. Wilson.*—Have you been in the neighborhood of Natte Yallock?—Yes.

5277. Is there considerable settlement there?—Yes.

5278. You have travelled the road from Maryborough to Archdale by way of Natte Yallock, have you?—Yes; I have been through Chinaman's Flat.

5279. Is that a well settled district?—Yes; Chinaman's Flat is well settled. There are a number of people there.

5280. How far is that from Maryborough?—Five or six miles.

5281. And they would be provided for by the present lines of railway—they are provided for already?—Yes; they are; and so is Avoca; unless you want to make a line to every man's door, I do not know what you want.

5282. And for a distance of ten miles out from Avoca?—Yes.

5283. Then ten miles from Avoca would embrace all the settlement now taking portion of—?—Bealiba takes the other portion.

5284. But out from Avoca north?—Ten miles east, and ten miles west, and ten miles north, embraces all the land that could be taken up there for years, because the country is almost all ranges—barren ranges.

5285. You have no practical knowledge of railway construction, have you?—It is a very strange thing that since this matter came before the public (and I was glad to hear it) that the two engineers agree. As to the expense and trouble of these two lines I agree with them.

5286. You are entirely in accord with them?—Yes. I think there are difficulties—

5287. But which do you imagine would entail the greatest difficulty in construction?—Certainly there is one piece of railway at the further end of the Avoca Valley that would be hard to construct, and a portion of the Dunolly end at this end would be hard to construct.

5288. I believe that the Avoca Valley and the Dunolly route would converge into one five miles from St. Arnaud?—No. I think they are going to extend it a little further north, and make it much easier.

5289. That would be another strong reason for undertaking the Dunolly line?—Yes; and also in regard to the large population it would accommodate upon the west of the line here. In fact I went to the land office, and got a map in order to prepare myself in regard to the selections.

5290. *By the Hon. H. Cuthbert.*—I understood you to say that a good deal of settlement had taken place to the north of Emu?—Yes, north of Emu.

5291. That is shown upon the map as Kooroc?—Yes.

5292. You were fortunate to be the owner of a station in that direction at one time?—Much further north than that.

5293. Much further north?—Yes.

5294. Have you got a map of that station?—I have. I got a map of the surveys taken up to a certain date.

5295. Would you have any objection to let me look at that to see what selection has taken place?—Not the slightest—*[producing the map]*.—I may state that that is a map of the run, and about a quarter of it is mallee scrub; that was taken up in two years. A station south of that which contains 95,000 acres, and that was taken up by the public in two years.

Mr. John Finlay,
continued,
30th August 1877.

5296. This must have been a pretty large station?—Sixty-four thousand acres.
5297. How much did they leave you of this, taking out the mallee scrub?—It is all surveyed since that was done—they have left me little or nothing now.
5298. Nearly every acre is selected?—Almost every acre taken.
5299. *By the Hon. J. A. Wallace.*—Taken up by yourself?—No.
5300. *By the Hon. H. Cuthbert.*—Were you the fortunate selector of much of this?—No; I bought some of it.
5301. Then, in your opinion as a contractor and having a general knowledge of this country between the two lines, which would confer the greatest good upon the greatest number?—I think the north-west line from Dunolly to St. Arnaud would confer the greatest good upon the greatest number—there is no doubt about that.
5302. And a station at Emu, if I understand you rightly, will serve the wants of a number of people who have taken up land to the north and north-east?—Yes. When this question was asked before, I do not think the persons asked understood it properly. I will put my finger upon St. Arnaud upon this plan—to Avoca Creek north-east is this way. People from the north-east would never think of going twenty miles to St. Arnaud. They would come to the nearest place, and the Avoca River would have to be bridged every two or three miles to let them over.
5303. Do you think the traffic at Emu would be nearly as large as that at St. Arnaud?—It may in time.
5304. And it is valuable on what account?—Because there is permanent water at the creek for trucking cattle.
5305. *By the Hon. J. Balfour.*—You are in favor of the Dunolly line?—I am telling you my opinion that would give the greatest good to the greatest number.
5306. Have you any property in Dunolly or St. Arnaud?—Not a pin.
5307. Have you friends with property in Dunolly?—I have friends all over this country.
5308. Have you any relatives at Dunolly?—Not one.
5309. Have you had?—I had a brother living in Dunolly many years ago.
5310. About the population at Emu—were you here when Mr. Greene gave his evidence?—I was.
5311. Did you observe that he spoke of the Avoca railway line as only being laid down on paper, but it would have to come nearer the Emu?—Yes, it might do that.
5312. Then in that case the Emu could be served by the Avoca Valley line?—Yes.
5313. If they came nearer the Emu it would sufficiently tap the country?—Yes, but that would be going round the country to make a railway.
5314. But that was the engineer's opinion?—Yes, but there are other engineers too.
5315. Then you do not put much value upon Mr. Greene's opinion as to making that railway?—If you ask Mr. Greene a question that he understands he would give his evidence as straightforwardly as any man.
5316. Do you understand me?—I do; and you asked Mr. Greene a question that he did not understand in answering it.
5317. With regard to the population on the north-east, on the other side of the Avoca, how do they get to St. Arnaud?—They do not go to St. Arnaud.
5318. Are there any roads between that settlement and St. Arnaud?—Where do you refer to?
5319. To the population on the north-east of Emu on the Avoca?—Only the main road.
5320. Is there a bridge across the Avoca?—Yes, seventeen miles from St. Arnaud.
5321. Then with regard to the northern district from St. Arnaud, will you favor the Committee with the reason why the Dunolly line would be better than the Avoca Valley line for the northern population?—Will you show me where you mean; draw me the Avoca Valley line upon this plan.
5322. I will put the question again. You informed the Committee already that the population to the north of St. Arnaud would form a good feeder for the railway?—I said to the north-east of Emu.
5323. Then is that in the direction towards your station?—Well, you can follow down the Avoca Creek to my station.
5324. To go to your station you follow the Avoca Valley, do you?—You can go that way if you like, but that is not the way to my station. I go by Inglewood, unless I have business to transact in St. Arnaud.
5325. Is there any population to the north of St. Arnaud?—Immediately to the north of St. Arnaud, any number.
5326. And you say that population would form a feeder at St. Arnaud to the line?—Some would go there and some would come to Emu.
5327. Those directly north of St. Arnaud?—Some of them would go to the Emu.
5328. Then those of the north of St. Arnaud—will you inform the Committee why the Dunolly line would be better for those than the Avoca Valley line?—To the north-east of St. Arnaud?
5329. To the north of St. Arnaud?—I never said so.
5330. In answer to the Honorable Mr. Wilson, I think you informed the Committee, as I understood, that there was a considerable population to the north of St. Arnaud?—Yes.
5331. And they would form a considerable feeder to the railway line?—I said there was a considerable population north of the Emu, upon each side of the Avoca Creek. If you do not understand me properly, I can explain.
5332. You do not say to the Committee that the population north of St. Arnaud would have any choice for the Avoca Valley line over the Dunolly line?—I do not see what reason they would have.
5333. You let fall a remark, that you had no opinion of either of those lines?—No good opinion of the country.
5334. For either line?—No; only small pieces.
5335. Then are we led to believe by that, that you think it would be an unnecessary expenditure of money to make either of those lines?—I do not think so; I think it is requisite that there should be a railway to St. Arnaud, and as early as possible.
5336. Then you stated I think, that all the engineering difficulties upon the Dunolly line were in the earlier part of it?—After passing Goldsborough West.
5337. And upon the other line—the difficulties—are they upon the northern part of it?—Yes.

5338. Then you do not take into account the difficulties upon the Dunolly line near St. Arnaud, because you say that they are to be got over by diverging?—Yes.

5339. Still you consider, even after that divergence had been made, that the difficulties upon each line are about equal?—Yes.

5340. Still you consider, even after that divergence had been made, that the difficulties upon each side are about equal?—I do not think there is much difference.

5341. *By the Hon. N. Fitzgerald.*—From your knowledge of this country, which is no doubt very extensive—supposing that there be no existing railway communication either with Dunolly or Avoca from Maryborough, would not the line as laid down and surveyed through the Natta Yallock Valley be in your opinion the most suitable line for the Government to make to connect St. Arnaud and the northern territory?—This red line do you mean?

5342. Yes?—Yes, I think it would, if you want to avoid calling at the towns; it would be the most direct line.

5343. Have you any idea what distance that would have saved to passengers—how much nearer would that be to connect St. Arnaud with Maryborough than by going either way?—I suppose 10 or 12 miles.

5344. Then passengers from the north all along would have saved that ten or twelve miles if there had not been this round on each side?—Yes.

5345. And there would not have been so much engineering difficulty as upon the other line?—No.

5346. And it would go through the heart of that valley?—Yes.

5347. Accommodating settlers on each side?—Yes.

The witness withdrew.

GEELONG AND QUEENSCLIFF LINE.

Mr. Andrew McWilliams examined.

5348. *By the Chairman.*—Are you the secretary to the shire of Bellarine?—I am shire surveyor of Bellarine and borough surveyor of Queenscliff, and also shire secretary of Bellarine.

5349. *By the Hon. G. F. Belcher.*—How long have you acted in that capacity?—Eighteen years.

5350. Do you know the country where the proposed line from Geelong to Queenscliff will run?—I do.

5351. The surveyed line?—Yes.

5352. Can you give the Committee any idea of the passenger traffic between Geelong and Queenscliff?—I can.

5353. Please to do so?—During five months of the year, in the summer season, there are three daily coaches pass from Geelong to Queenscliff and return, conveying on an average six passengers each way; and during the winter, or the seven months of the slack season, as it is called, there is one daily coach goes and returns. I have a very low average of four passengers each time, and from notes taken at the toll-gate there is an average during the same five months of summer of eight private vehicles passing from Geelong to Queenscliff and returning, and during the remaining seven months two private vehicles passing from Geelong to Queenscliff and returning, each conveying about three passengers; those I have taken from the toll returns. Four passengers is the average on public coaches; sometimes there are ten, sometimes none, but it averages about four. It is a two-horse coach, and sometimes three and sometimes four horses. The total number of passengers I have made 7344 annually by these conveyances.

5354. Tolls, I believe, have been abolished?—Yes.

5355. From what source did you take this information?—The two last years' toll returns.

5356. Has the last been an increase upon the previous one?—An increase of passengers?

5357. Yes?—Yes, it has been steadily advancing; when I went to the district first there was only one coach passed daily on the road from Geelong to Queenscliff.

5358. And the present traffic is steadily advancing?—It is.

5359. Is there any steam communication between Geelong and Queenscliff?—Occasionally a small steamer.

5360. Not many passengers go by that?—No.

5361. But from Melbourne there is?—Yes.

5362. Would any of that traffic come by the Queenscliff line if it were opened?—I am sure of that—speaking from experience of the home country—I am sure that more than half of it would come by the line.

5363. Are there any other places upon the seaside that would be affected by this line of railway—the Port Arlington side?—Yes.

5364. Where do they run to?—There is a coach runs from Geelong through Drysdale to Port Arlington daily throughout the year.

5365. Can you give any estimate of the passenger traffic there by this means of conveyance?—There is a large day coach, with three and four horses, that runs daily during the slack season; in the summer season there are two day coaches daily, and a number of private vehicles. I have taken the trouble several times to note the number. I took it some four years ago, and some eight or nine years ago, when the same question was before the public.

5366. What is the total number annually?—Upon that line, 9360 annually—more than the Queenscliff line—that is because there is a large population, and a number of private vehicles.

5367. Would that passenger traffic go by the railway if it were opened?—It would.

5368. The whole of it?—Yes, the whole of it.

5369. The coaches would be knocked off?—Yes.

5370. Can you give the population of the shire of Bellarine?—3730.

5371. And at Queenscliff?—It is 954, taken from the borough books.

5372. How would the residents of Portsea and Sorrento on the other side, if this line were opened, be benefited?—They would travel by this line.

Mr. McWilliams,
continued,
30th August 1877.

5373. Would the passenger traffic be brought upon the Queenscliff line from that side?—Yes, I believe so.
5374. To what extent do you estimate?—I know the small steamer that formerly ran between Queenscliff and Portsea took 30 to 50 and sometimes more. That steamer is off since the large steamers call there and go direct to Melbourne.
5375. Do you know the amount of the valuation of the property in the shire of Bellarine?—Yes.
5376. What is it?—In round numbers, £22,000—a few pounds less.
5377. And the property valuation in Queenscliff?—£6625.
5378. Can you tell me the number of houses in Bellarine?—730.
5379. And Queenscliff?—238.
5380. Have any industries been established, either near Queenscliff or Port Arlington, that would benefit the Queenscliff line in the way of tonnage or by passenger traffic?—Industries—I do not know of any.
5381. Is there nothing at Port Arlington?—There is a brick and tile manufactory at Port Arlington.
5382. Are they likely to turn out many tons of goods in the year?—A large quantity.
5383. Would they go by sea or by rail?—A portion would go by railway, and a portion by the boats; at present they are carted inland from Port Arlington 6 or 7 miles, beyond that it does not pay to cart them—perhaps 10 miles occasionally.
5384. Do you know anything of the salt works down at Queenscliff?—Yes, I do.
5385. Any large quantity of salt from that?—Yes.
5386. Would that come up along the rail?—It would all come up, and could come no other way; there are two or three salt works there.
5387. From those two sources do you think there would be a goods traffic, and be to that extent benefited?—Yes; and the goods, the produce of Bellarine, about 10,616 tons annually, would benefit the line.
5388. From Bellarine?—Yes. The conveyance of goods to Queenscliff for various purposes—building purposes and for consumption by the population, has to be taken down—is nearly 7000 tons per annum taken into Queenscliff.
5389. *By the Hon. T. T. a'Beckett.*—From Melbourne?—From Geelong to Queenscliff. I include firewood in that—that is brought 7 or 8 miles.
5390. *By the Hon. G. F. Belcher.*—Exclude the firewood; how much of that would be firewood?—About half of it.
5391. You stated that you were acquainted with the land?—Yes.
5392. Have you any practical knowledge of railway making?—Practical knowledge of railway making?
5393. Yes?—Yes, I have some.
5394. Can you form a good opinion of what the cost of this line would be; first I would ask you as to the quality of the land through which the greater portion of the line would pass, is it valuable?—Yes, I have valued it; the first three miles from Geelong would be worth about £25 an acre.
5395. What area would you say that was?—Three miles, say 24 acres, that is the land that would be taken by the railway.
5396. That is what I refer to, the land actually to be taken for railway purposes?—Assuming that it is taken a chain wide, I think that is what is taken generally now, eight acres to the mile.
5397. That is 24 acres?—24 acres.
5398. Which you value at £25?—Yes. The next two miles you can buy it in bulk for £7 or £8 per acre; it would not cost more than £16 for railway purposes, double the actual value, £8.
5399. Sixteen pounds is a high estimate?—Yes; the next seven miles would be 56 acres; I have set it down at £9 per acre, it is through a sparsely wooded country, the three quarters of a mile in the township of Drysdale would cost about £1000, and would have to be purchased for a station. Then there is five miles next Queenscliff again, poor wooded land, skirting the good land; 40 acres at £5 an acre, this skirts Swan Bay.
5400. The total?—£2560 for 142 acres.
5401. Do you think that that valuation is a fair one?—I think it is. You can purchase the land for half the money, if wanted for farming purposes.
5402. Does the line run chiefly through private property?—Yes, chiefly; excepting a short piece at Geelong, and about two miles at Queenscliff; which would be upon Government unsold land.
5403. When it was proposed in the first instance to construct this line, what was the great objection to it—I mean before the Colac line was opened—what was then the great objection to the Queenscliff line?—I never heard of any particular objection to it.
5404. Was there not some objection to getting to Geelong?—Yes; that tunnel matter was made an objection by some Government five or six years ago. That it was absurd to make a line to Queenscliff, the expense of that tunnel, and upon that first mile, would have almost made a railway itself; but now the tunnel is constructed, and that difficulty is got over, and also a mile or a mile and a half of the Colac line would be used for the Queenscliff line.
5405. It would start from flat ground near the breakwater?—Yes.
5406. Would any Crown lands be affected by the line—what is the area of Crown lands on each side of the line to Queenscliff that would be affected by that line?—The first place next to Geelong would be, I suppose, nearly a mile of Crown lands.
5407. In area?—No; a mile in length.
5408. I mean the area of Crown lands that would be affected, that a value would be given to?—I think it is about a thousand acres.
5409. What value would you put upon that—would it get an increased value?—Yes; no doubt it would.
5410. Have you any idea of the agricultural produce of the district?—I have.
5411. What is its nature—how many tons—what would it consist of?—The crops consist of wheat and other corn in large quantities; onions is a great crop, and potatoes.

5412. That is from the Bellarine portion, towards Port Arlington way?—Yes; in fact the line would touch the end of that country—tap it, as it were, at Drysdale.

5413. Would any of that produce go by the seaboard?—A little of it down about Port Arlington.

5414. How much?—Perhaps within two or three miles of Port Arlington.

5415. How much tonnage would go by this line?—I have estimated 5000 tons. About 3000 would go by boat, and very likely the other 2000 tons, the produce of the district, would be taken in by private conveyance—carts. I think that is about as near as you can get.

5416. I asked you as to the cost of the land—you think that in consequence of the value of the land being small, comparatively speaking, the line ought to be constructed cheaply?—I think so.

5417. Are there any great engineering difficulties in the way?—None.

5418. Any culverts?—I suppose about sixty small culverts; there are no rivers in the whole course.

5419. Any expensive culverts?—No, the cheapest kind of culverts will do.

5420. On private land?—They are upon Crown lands and private lands. There are no rivers to cross the whole way, only creeks that flow from the table lands. It is level country.

5421. Have you made an estimate per mile?—Yes.

5422. How much do you think?—I think £5000 a mile the very utmost; but at the prices I see in some of the tenders lately, even less than that. I have taken the ballast and earthworks at the cost of the shire roads just made.

5423. Is there any ballast along the line?—Plenty of gravel and red volcanic stones.

5424. *By the Hon. W. Campbell.*—I observe that the line appears very crooked upon this map, have you got a copy of it?—I have one, I know it well.

5425. Could you state, for the information of the Committee, whether the line could not be made shorter; it is a great detour towards Drysdale?—Yes, it could be made shorter, perhaps two miles, but you would be leaving out the best country, the rich agricultural lands, from which the produce and the large passenger traffic comes.

5426. This detour is made for the sake of opening up the agricultural country more than for the accommodation of Queenscliff?—It answers both purposes.

5427. Still it lengthens the distance considerably?—Yes, but if the line were taken to the right hand of the line proposed here, there would be engineering difficulties there at Kensington.

5428. I see a main road here?—Yes.

5429. I presume there is a hill upon that road?—Yes.

5430. Could not that hill be avoided by going to the south, nearer to the lake?—The road is a little too far north now, I think it can be improved by bringing the line a little southwards at one place. The line might be shortened perhaps a quarter of a mile and also be more convenient to the public. I think the line had no business there, it would be better a mile to the south; the country is a little easier and stone is easier to be got, and there might be a station put there—it is a populous district.

5431. Have any trial lines been made?—I suppose there have.

5432. Has this line been laid out under your direction?—No, I had nothing whatever to do with it, I only saw the plan of it yesterday.

5433. You know it merely from your general knowledge of the country?—As shire surveyor I know almost every paddock and every rising ground in the country.

5434. Still, if a shorter line were practicable, it would save time and also material in the construction. I suppose you know the advantages of a short line in comparison with a long one?—Yes, but it would only serve the Queenscliff people in that case.

5435. Are you aware that the main object of this line is for the fortification of the place, not for the agricultural people?—I am aware that that is one of its objects.

5436. Then do you think it is desirable to go out of the way to accommodate the agriculture, and not go direct to the fortifications?—A portion of the defence of the Heads will consist of the detachment of artillery at Drysdale.

5437. Are they likely to remain at Drysdale?—They are; and that detachment was spoken of by Sir William Jervis as one that ought to be kept for the defence of the Heads.

5438. They are now at Drysdale, but do you think that they are to be always at Drysdale?—They are volunteers.

5439. Would they not be more accessible down towards Queenscliff?—There is also a detachment there; but, if I understood Sir William's proposals, it would take 400 men to be always in readiness. It would take 200 men to man the guns he proposes, and there ought to be a number of men—I speak under correction of the Colonel Commandant, who will tell you about it; it would take an equal number of men as a reserve force, to be used as required. They cannot raise more than 50 or 60 men at Queenscliff.

5440. Why station them at Drysdale, and not at Geelong?—It is also proposed to use those at Geelong. I think upon his report he states that the 250 men of the three places ought to be maintained in readiness to be sent down by railway to Queenscliff. If the line does not pass through Drysdale, the Drysdale men could not use it; Drysdale is their residence. These volunteers can always be got up by bugle-call in fifteen minutes.

5441. What number of volunteers are there there?—52 upon the roll.

5442. Local men?—Local men, living in the village, who serve without pay; I have the honour to command them.

5443. I thought in my ignorance that they might be nearer Queenscliff; if they were nearer Queenscliff they might be more available?—No doubt, but there is no other centre of population between Drysdale and Queenscliff.

5444. How many volunteers are at Geelong?—I think it is about 150 or 160.

5445. How many at Queenscliff—very few there?—About 50 I think, almost every man between 18 and 40 is enrolled; the population is about 1000, and if there be 50 or 60 upon the roll, it is a good number for that population.

5446. *By the Hon. G. F. Belcher.*—From your knowledge of the cost of construction, and from the information you have afforded to the Committee, do you think that, at a cost of say £4500 a mile, it would return fair interest for the outlay?—I am quite satisfied of that, at a cost of £5000 a mile the line will pay over 10 per cent. I am quite satisfied of that.

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5447. You think that the passenger traffic would be considerably increased?—I am sure it would be doubled in a few years; when I went there first one coach took all the passengers, and in fact there was only a riding mail carried to the cliff by a boy on a horse, and three times a week, one mail to Drysdale. Now there is a daily mail to Drysdale and Port Arlington, and twice a day to Queenscliff during the summer. I think that speaks well for the increase of the population.

5448. Can you tell the Committee whether this line has been surveyed by the Government?—Yes.

5449. When was it surveyed?—Three years ago.

5450. *By the Hon. F. T. Sargood.*—You state that this line in your opinion will pay 10 per cent.?—I believe it would.

5451. Clear of all expenses?—No, I do not say so.

5452. Do you mean 10 per cent. over and above the current expense of working it?—No, I mean 10 per cent.

5453. What would be the gross income?—I am sure it would pay 10 per cent.

5454. What would be the gross income?—I have not made it up.

5455. I want to know how you arrive at this 10 per cent.—do we understand you that the total income will be only 10 per cent. upon the outlay?—Yes, I say this, at least at present.

5456. The gross income would be only 10 per cent. upon the outlay?—I believe that is the lowest at present.

5457. I can hardly see how you can say that that will pay 10 per cent.—what is it to cost—about £100,000, is it not?—Less than that.

5458. Is it not less than 22 miles?—There are two miles of it made.

5459. Twenty miles would be £100,000, would it not?—19 $\frac{3}{4}$ miles is the length of it, I think.

5460. In round numbers £100,000?—Very nearly.

5461. Then, if I understand you rightly, you estimate the gross income at £10,000?—I made £17,134—that would be more than 10 per cent.

5462. What do you anticipate the working expenses would be—I want you to deduct those?—Well, I am not perhaps competent to give you that—the Government engineer will be the best to answer practically.

5463. Then to say that it would pay 10 per cent. on its cost would be hardly the correct way of putting it commercially?—No; it would pay more than that.

5464. I see by this estimate before me that the total cost is to be £123,000?—I do not know; that is not mine.

5465. Now if that is the total cost—£123,000—and you say the gross income is to be £17,000, I should like to know by what means you arrive at the conclusion that this line would pay 10 per cent.?—You are taking the estimate of another surveyor as to the expense.

5466. I take the Victorian Railways estimate?—But I do not adopt that.

5467. Take your own—I want to bring it home to you, upon your own showing, that it cannot pay 10 per cent.?—£100,000—10 per cent. on that would be £10,000—£17,000 would be 17 per cent.

5468. How much do you allow for expenses?—I cannot say.

5469. What you think is, that the gross income is to be 17 per cent.?—The gross income would be 17 per cent.

5470. Then the line would not show a profit of 10 per cent.?—No, I could not say what the profit of the line would be, I am not competent to say that; I suppose, take the half of it.

5471. I understood you before that the profit was to be 10 per cent.?—I believe it would be the half of it.

5472. I think you said that there is a great deal of produce of all kinds coming from Bellarine and Port Arlington?—Yes.

5473. Taking it roughly, what proportion of that do you think would go to Melbourne?—I suppose that the three miles next Port Arlington would.

5474. Take the total tonnage?—What I formed my opinion upon are the returns from the toll-gates.

5475. Assuming it was 10,000 tons, what proportion would go to Melbourne?—I will give you it, as I have them here together—there passed through both toll-gates the last year 8700 tons of goods to and from Geelong.

5476. And what proportion do you suppose that 8700 tons would be of the produce of the whole district?—I think that would be two-thirds of it.

5477. Then not more than 3000 tons would go to Melbourne if 9000 is two-thirds, roughly about 3000 or 4000 tons go to Melbourne?—Perhaps not more than that, always excepting firewood.

5478. But take all kinds of produce, do you know the number of craft engaged?—I do not.

5479. You have then only taken one portion of it, the land traffic?—Yes, I have taken what I am tolerably sure is correct.

5480. And this portion that goes to Geelong, is it for consumption in Geelong or for distribution further?—Some of it goes to Ballarat, some to Melbourne, some to other places.

5481. Is any of it shipped?—Large quantities of onions go to Ballarat. Bellarine produce is shipped to Queensland and New South Wales.

5482. Is any of it shipped to Melbourne?—Yes, a good deal of it.

5483. What proportion?—The seven miles or eight miles of country near to Geelong all goes there, and a good deal thence to Ballarat or Melbourne.

5484. Do you imagine that all the agricultural produce would pay to be carried that eight miles and then unload at Geelong, would not that continue to be carted into Geelong?—I do not think the Kensington district, which I am speaking of, will. A large quantity is raised between Geelong and Drysdale, rather more than half-way, seven or eight miles, and I think that if put upon a railway for Ballarat, will not have to be taken off again.

5485. But I speak of that for shipment to Melbourne?—It would save fourteen miles by horse.

5486. Would they not still continue to cart that produce to Geelong and put it straight on board the craft, rather than take it to the station and load and unload and then cart it to the craft?—Some of them would perhaps, I do not think many; but a farmer, with a large quantity of grain, would send it by this railway to Melbourne; it would be a great saving of time and a saving of labor, and in this country that is money.

5487. You also speak of the brick and tile manufacture down there, I imagine very little of that produce would go by rail?—Yes, a quantity. Mr. McWilliams,
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5488. By rail?—Yes; a large quantity is sent by coasters now, that is a nasty coast for trading small boats; I am quite satisfied that a good deal of it would find its way to Geelong by railway, and a good deal would be used in the district about Kensington that they now bring from beyond Geelong.

5489. I need scarcely tell you that water carriage is cheaper than railway, and that at home canals run alongside railways and take all the goods?—I know that, and you must also add that the opening of a railway has never much decreased the traffic of a canal, they always have plenty to do. I have had experience of that in the home country.

5490. Speaking of brick and tile, we have heard that if there was a railway from Brunswick, they would still cart brick and tile from Brunswick to Melbourne, and not send it in by railway—the less handling brick and tiles have the better?—Yes; but those are a superior quality of bricks; they are nearly as hard as stone.

5491. You still think they will come by railway, involving double loading and double handling?—Some of them would; I do not say all.

5492. I do not think you answered the question as to the proportion of Crown lands this line would benefit?—About a thousand acres at least.

5493. Altogether?—Yes.

5494. All the rest it would pass through would be private lands?—Yes; it is a closely populated country.

5495. Do you think it is advisable for a State railway to pass through private lands?—Yes.

5496. Has it not been objected?—I do not think it matters where it goes, if it can be made cheaply, as it is for the use of the public.

5497. You spoke of the Drysdale detachment of artillery?—Yes.

5498. Would the formation of this line be a great facility for them for drill purposes?—Yes; they could go up every Saturday for drill.

5499. How long does it now take them to attend at the batteries at Queenscliff?—We drill them at Drysdale at present.

5500. Have you guns there?—We have one, but it is not enough.

5501. What is the gun?—A 64-pounder.

5502. And by means of this line your detachment would be able to attend drill much more satisfactorily?—Yes; they would be compelled to attend under the proposed system.

5503. *By the Hon. J. Cumming.*—You have been asked about the brick and tile manufactory at Port Arlington—are you aware that a quantity of those are sent inland, in the direction of Colac?—Yes; the ornamental bricks are, and a large quantity of the white bricks; they sell at £5 to £10 a thousand.

5504. If you went by the main road from Geelong to Queenscliff, would you have any idea of the kind of country that this line would traverse—would it give a stranger an idea?—By no means.

5505. Whereabouts is the most valuable land upon the line?—Drysdale.

5506. What distance is that from Geelong?—13 miles.

5507. What is the character of the land about there?—It is the best in the colony—some of it has sold at £50 and £60 an acre.

5508. Is there a large population in the immediate neighborhood of Drysdale?—There is.

5509. What is about the average size of the holdings there?—The greater number of occupiers do not exceed 50 acres—there are a number holding larger quantities, but they are few; some hold as low as three acres and make a good living out of it; they produce an immense quantity of eatables—onions, carrots, parsnips, and all that sort of thing for the Geelong and Melbourne markets.

5510. Are there not some families doing well on the occupation of ten acres of land?—Yes, and they are wealthy.

5511. It is a kind of garden cultivation?—Yes; ten acres of land there would bring a man there £200 and £300 a year; it is almost incredible what they are making of it.

5512. This railway would give these people great facilities for sending produce to market?—Yes.

5513. Are you aware how some of that land has been cultivated in the neighborhood of Drysdale?—Some of it since the year 1846 or 1847.

5514. Has it been continuously cultivated?—It has been continuously cultivated.

5515. Do you think its fertility has been decreased?—No, it is getting better now; they are getting into the way of it.

5516. You do not think those small farmers are likely to leave that locality?—No, not the least fear of it. There is a farmer called Skews—he bought for about £4 an acre a few years ago, and a month since the same land was sold for £43 an acre.

5517. Some of this land has been cultivated for over thirty years continuously?—Yes.

5518. The crops mature earlier there than in other parts of the colony?—Yes.

5519. This special kind of crops?—Yes.

5520. And a great quantity of them go inland?—A great quantity.

5521. Are you aware that a great quantity of the crops are sent to Melbourne and are sent inland from Melbourne?—Yes.

5522. But by this line they would be sent straight inland?—Yes, the toll indicates the enormous quantities passing through.

5523. There is a necessity for making this detour in the line to go to Drysdale, to give accommodation to this farming district?—Yes, that and the artillery together, these are two necessities.

5524. The land on the line from Drysdale to Queenscliff is inferior?—Yes, the line taps the good land, and then goes straight to the cliff.

5525. It is thickly timbered at present, is it not?—Yes.

5526. What kind of timber?—Firewood, and posts and rails.

5527. What kind of firewood?—Gum, he and she-oak, and wattles.

5528. A large quantity of she-oak?—Yes, and there is a large quantity of wattle bark; that is another trade that will be better than it is now, if there was a way of getting it at once.

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5529. There is upon the whole land a great quantity of bark?—Yes, a great quantity, it is a paying crop.
5530. That would be to the west of the line?—On the south and north of it.
5531. Then there would be a large quantity of firewood sent along the line?—Yes, an immense quantity of firewood, sufficient for Geelong and Queenscliff for the next twenty years, and it would be the cheapest supply for those two places.
5532. And the she-oak firewood is of a first-rate description?—The she-oak and wattle—stripped wattle is nearly as good as coal.
5533. Is there any red gum in that neighborhood?—Yes, on the flats.
5534. Would it be useful for sleepers?—No, I hardly think it would do for that, it is not good enough, the best has been taken long ago.
5535. Are there any fishing stations along these indented heads now?—Yes, three or four, there are Scotch, Irish, and Chinese fishers living there.
5536. If this line were taken down to Drysdale it would encourage fishermen to prosecute their business?—Yes; I think there is an average of about 500 to 700 baskets of fish taken and sometimes 1000.
5537. I do not ask in regard to Queenscliff, but I mean along the Indented Heads?—Yes, a good deal of fish comes up from St. Leonards coast; they do not take advantage of the steamer. Fish from the Indented Heads coast goes by land to Geelong then by rail to Melbourne or Ballarat. The men have got a line of their own running their fish with horses to Geelong.
5538. Do you think that this would encourage more fishermen to settle on the line?—Yes, no doubt of it, if they had a better way of getting up their fish to market.
5539. *By the Hon. H. Cuthbert.*—Are there any facilities at Queenscliff for passengers to embark or disembark, that is passengers going on a long sea voyage?—Yes, boats.
5540. They would have quite enough of the journey and they would wish to make it as short as possible. Suppose an outward bound vessel were passing, would any of the passengers go as far as Queenscliff by the line, if the line were constructed and embark at Queenscliff?—I have no doubt of it.
5541. And so with inward bound vessels, many of the passengers would disembark at Queenscliff?—No doubt of it. I speak from experience of the Greenock to Glasgow line of railway when it was constructed; people said they would get no passengers, because there were good large steamboats up and down every hour, and yet, when the line opened they could scarcely keep pace with the traffic, and that by the boats scarcely diminished.
5542. If the line were made no doubt a number of friends would accompany the passengers as far as Queenscliff?—Yes; no doubt of it.
5543. That would add materially to the passenger traffic?—Yes; I have no doubt of it.
5544. *By the Hon. R. Simson.*—Did you ever see many passengers come to Queenscliff to go on board a ship?—Yes.
5545. Many?—Some. I could not say positively many; but I have known persons to go by that way. There is a class of men who live by taking passengers, and bringing passengers on shore to the cliff.
5546. A steamer would not require to anchor, but a ship would require to anchor to take them in?—No.
5547. You have mentioned the quantity of tonnage that this railway would be likely to command, among that is there much hay?—I do not think it. We do not produce much hay. It is mostly garden produce. Sometimes we have to send for our hay to other places. We grow more profitable crops. Hay is only £5 or £6 per acre; some men will take £100 an acre off their land in onions. It would not do to grow much hay.
5548. Where is this 10,616 tons to come from, if hay is not included in a portion of it—what is it to be?—Potatoes, onions, corn, mangolds, carrots; those are the crops.
5549. Those are all to be sent into Geelong chiefly?—Yes; Geelong or Melbourne; I give you this out of the tolls statistics.
5550. But do you mean to tell me that everything that comes into the tolls would come by the railway?—Nearly all.
5551. Would a farmer use his horse and cart to cart his goods 5 miles to a railway to send them 12 miles by railway?—They would, some of them.
5552. Even at Gisborne, the farmers find it more profitable to use their own teams to send in their hay?—I do not speak as to hay; we do not produce much.
5553. As to the passenger traffic; do you think that the traffic which three coaches in summer time are able to supply would pay anything at all for a railway?—Look at the number of vehicles; look at the colossal fortune that the coachowner made down there by his private vehicles.
5554. He runs three coaches a day?—Yes, sometimes; and has a number of private vehicles for hire.
5555. But it would take a great number of private vehicles to pay for a railway at what you represent three coaches per day?—No doubt; but I reckon that there are nearly 17,000 passengers during the year.
5556. All that you name would not fill two compartments of a railway carriage?—I am averaging only eight private vehicles daily during five months; and I think I am considerably under, because I know that, during five months, there would be far more than eight vehicles daily. I am quite sure eight is very moderate.
5557. That is the summer?—Five months; and I have only put down two private vehicles daily in the winter.
5558. The whole thing would not fill a single compartment of a railway carriage—the two private vehicles and the coach?—Then there is the other line, to Drysdale; I make, altogether, about 16,700 passengers annually.
5559. Then there is the salt; does the salt come to Geelong by railway also?—No doubt of it, there is no other way for it to come.
5560. Do no coasters or lighters go down to the saltworks?—No, the saltworks are inland on the Salt Lake and would be less than a mile from a siding station that would be made.

5561. You are aware that they can get up the salt for less than one-half the price per ton by the coast than they could by rail—time is not such an object for salt that they could afford to pay double the freight for it?—I do not refer to salt in my estimate, I refer to it merely as an industry that is just rising; it is only two years in existence, and the men are struggling hard to make it a success—they are working men.

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5562. You have said that the fine land in Bellarine has been in cultivation for many years; is it not a fact that a great deal of that ground is laid down in English grasses?—Only one or two fields on the larger farms, but they are breaking it up again; they are getting into the English system of rotation of crops within the last ten years.

5563. In making your calculations of goods and passengers, you do not seem to have taken into consideration that a farmer who is living in the neighborhood has his own conveyance, and will not take the trouble to drive to the railway station a couple of miles when a few miles further will bring him in?—The great bulk of the passengers will come from Drysdale, or about Drysdale, and Queenscliff.

5564. There is a large population between Drysdale and Geelong?—Yes, there is.

5565. They must come in some way?—No doubt the station at Kensington, at the top of the rise, would have a large amount of support.

5566. *By the Hon. G. F. Belcher.*—Do you know the amount that is paid to the contractors for the mails?—I think the last was between £400 and £500 for the mails to Queenscliff, and it is £150, I think, to Drysdale.

5567. About £600 or £700 for mails?—I think it is £442, the last return I saw. There are a number of mails—the English mails and the Sydney mails come in by Queenscliff.

5568. *By the Hon. N. Fitzgerald.*—I do not understand what you meant by the total traffic—the total receipts upon the proposed line are how much from all sources?—£17,154.

5569. Have you divided how much of that belongs to passengers and how much to goods?—I have, but I have not the particulars; I have not added it up separately.

5570. That is the gross receipts, £17,000?—The gross receipts.

5571. Are you aware what the usual per-centage of deduction is for working expenses upon the Government railways?—I am not.

5572. If you heard that the Committee had it in evidence here from the highest authority that it was 48 per cent., or say one-half, would you think it extreme?—I do not think that would be the rule.

5573. I heard you say something about paying 10 per cent.—is it 10 per cent. on the estimate which the Government engineers gave, or your own estimate?—Upon my own estimate.

5574. Are you aware what the Government estimate is?—I heard it read here.

5575. Are you aware that your estimate differs from it by about £40,000?—Yes, but I can give you another fact—I was examined before the Legislative Assembly upon the Colac line, and I was considerably under every other professional man upon that, and when the tenders were taken, it was even lower than mine; that is upon record—I was more nearly correct. From my intimate local knowledge of the country I think it will be found that I am right.

5576. That it is one-third cheaper—do you stake your professional character upon that statement?—I am quite content to do so.

5577. That the Government engineers estimate the line at one-third over what you estimate its cost will be?—I do not stake myself to one-third, but I say that my estimate will be nearer to the cost than theirs, unless there is some enormous and unnecessary expense.

5578. Can you tell us the proportions of the £17,000 for goods and passengers—you cannot divide that £17,000?—I cannot at present.

5579. The greater proportion would be for passengers?—I am sure of it.

5580. *By the Hon. G. F. Belcher.*—The Honorable Mr. Fitzgerald has spoken with regard to the great discrepancy between your valuations and the Government valuations; do you think that that can be accounted for by the fact, that when the estimates were made the tunnel was considered as a portion of the £60,000?—I do not know whether they included that or not.

The witness withdrew.

Mr. James Hardie examined.

5581. *By the Chairman.*—What is your occupation?—I am a fisherman; a practical fisherman.

5582. Engaged in fishing?—Yes.

5583. Where do you live?—At Queenscliff.

5584. *By the Hon. G. F. Belcher.*—How long have you been residing at Queenscliff?—Fifteen years.

5585. And how are you generally employed during that fifteen years?—I have been following fishing for a living.

5586. I think you kept a record of the result of the fishing industry there, that is, the quantities taken?—I was secretary for three years for an association of fishermen, who sent at that time nearly all the fish that left Queenscliff for the two markets of Ballarat and Melbourne. That is three years' experience I had in the fish business. I have had nineteen years' intimate acquaintance with the fisheries in Port Phillip Bay.

5587. You know pretty well the quantities and proceed sales of the fish?—I kept a record of the whole at the time.

5588. How many fishing stations are there at or near Queenscliff that would send their fish up by rail?—In my memorandum I took account of nine fishing stations, but according to the last witness it appears that Port Arlington will also catch the railway to Queenscliff, so there are a few fishermen at Port Arlington I have not included in my estimate.

5589. Nine stations irrespective of those referred to by the last witness?—Yes; I believe he spoke also of St. Leonards. I have included St. Leonard's in my estimate.

5590. Can you tell me the number of men that are engaged in this industry?—One hundred and seventy-six.

5591. And the number of boats?—One hundred and thirty-seven.

5592. There are some boats with only one man?—A good many.

Mr. J. Hardie,
30th August 1877

Mr. J. Hardie,
continued,
5th August 1877.

5593. Have you any idea of the value of the plant so employed in the shape of boats?—I have estimated the value to be—I think I can show how it must be—by all the appliances necessary to sail a boat including nets, pots, &c., &c., and work the fish in Port Phillip Bay, and the estimate I am certain is low when I say £40 a boat.

5594. That would be over £5000?—Yes, £5480 I make it.

5595. Now if this line were constructed, do you think that the number of men and consequently the number of boats would be increased?—Undoubtedly, in proportion to the sale. It is impossible to say the increase.

5596. Would the construction of the line have any effect upon the deep sea fishing outside the Heads?—Undoubtedly, as the fisheries can never be developed without a line to convey the fish to the various parts to the westward. There has always been a difficulty felt by the fishermen that there was no proper means for getting away the fish when the fish were to be had in large quantities.

5597. Can you tell me the quantity of fish caught—you count them by baskets I think?—Yes.

5598. How many baskets a week upon the average?—From my experience in the three years I was secretary to the company, it was three baskets to a man, that multiplied by 176 would give a total of 528 baskets.

5599. That is weekly?—Yes.

5600. In weight what would that be?—A basket is about 65 pounds. That would give a gross weight in tonnage of a little over 15 tons—15½ tons.

5601. And that per annum would be?—797 tons.

5602. Now with regard to the cost of transmitting this fish to market, it comes up by coach, I think?—Not by coach. There are two conveyances—two or three conveyances—carts and 4-horse waggon.

5603. Employed by the fishermen?—Employed by the fishermen daily in the fishing business. The owners of conveyances charge so much per basket, and they keep plant upon the road at so much cost per basket.

5604. How much per ton from Queenscliff to Geelong?—Two shillings per basket—£3 10s. per ton.

5605. To Geelong?—To Geelong.

5606. What is the further charge from Geelong to Ballarat?—I believe, to Ballarat, since the reduction of charges upon the railways it is now about £3 10s. or £3 per ton.

5607. That brings it to over £6, charging the rate by railway from Geelong to Ballarat. Do you send a large quantity of fish to Melbourne, to your knowledge?—Yes, more goes to Melbourne than to Ballarat.

5608. What is the charge per ton?—The steamer now is the best mode we have of sending fish up to Melbourne, and the charges by the steamer are £2 10s. per ton.

5609. Is there any serious loss occasioned—is there an association down there of fishermen?—No, not now—not since 1867—10 years ago.

5610. Are there very long delays in sending the fish up?—Yes, at times. Men bringing fish from a distance frequently find that carts and steamer have just gone. These fish have to remain 24 hours at Queenscliff before there is an opportunity of forwarding them to any market.

5611. In the event of any delay would there be any loss?—Yes, decidedly.

5612. Has there been to your knowledge?—Yes.

5613. To what extent?—Fishermen are debarred from taking more than a certain quantity of fish, for it frequently occurs that the fish do not realise the cost of carriage alone. If you put large quantities of fish upon the market at once frequently the fishermen are compelled to pay. There are buyers down there. They purchase and, of course, they have the profit. I cannot estimate the amount of loss; but, as I have said, fishermen are debarred from taking more than a certain quantity of fish.

5614. Altogether owing to the expense of the carriage?—Owing to the quantity and there being no proper market, it is not saleable. I mean at times, when there are large gluts of fish.

5615. That is not in keeping with the complaints of the Melbourne people, at any rate. You say the fishermen are restricted in the quantity they are to catch?—There are times when any quantity of fish can be had at Queenscliff.

5616. What time elapses between the landing of the fish at Queenscliff and the delivery generally to the Melbourne market?—From the time the fish are taken?

5617. Yes. How long has the fish been caught before it reaches the consumer?—The fishermen leave at one o'clock in the morning, and all hours in the morning through the forenoon, and they have to return to Queenscliff, for the purpose of forwarding the fish, by five o'clock in the afternoon. Those fish leave Queenscliff at six o'clock or seven o'clock, and proceed to Melbourne or Ballarat to be sold the next day in the markets. I believe the Ballarat market is sold at midnight, and Melbourne market at five o'clock or six o'clock in the morning.

5618. Then if there were trains from Queenscliff the men might remain out longer?—If there was a morning train and an evening train the fishermen could fish at night, and take large quantities and send them to Geelong and through the western districts; they would not be restricted then from taking all they could get.

5619. Do you think that, with railway communication, this industry would be very largely developed?—It would be very largely indeed. It is impossible to tell the number of men that would be employed not only in Port Phillip Bay, but on the coast as well.

5620. *By the Hon. J. A. Wallace.*—I think you mentioned that by sending the fish by steamers the freightage is £2 10s. per ton?—Yes.

5621. And by railway £5 or £6 per ton?—£6 to Ballarat.

5622. It is just about the same distance to Melbourne?—I do not know the distance.

5623. It is only for the general interest of the public that I ask this question. Is it often that you have a greater supply of fish than the demand is?—There is frequently more supply in the summer season.

5624. I have lived a long time in this colony, and I have never seen fish cheaper than sixpence?—That is what we hear at Queenscliff; that is what everyone says, and we are often told. The fishermen make no money at all; it is the hawkers and the fishmongers; they have the fish trade entirely in their hands.

5625. *By the Hon. W. Campbell.*—Would the fish carried by water suffer less than the fish carried by land?—We are told that the fish sent by steamer are more injured than fish going by rail.

5626. How do you account for that?—By handling them about in putting them on board and putting them out at the wharf here. When the steamer arrives they are greatly knocked about, and a great many of them are lost—a great many baskets as well as single fish. Mr. J. Hardie,
continued,
30th August 1877.

5627. I thought that the shaking of the carts upon the road coming up would injure them more than the steamer. Do the fish reach the markets generally in good condition both by land and water?—There are complaints both ways. People are not careful at all either way. Fish is a thing that ought to be carefully handled, and the people neither way take proper care; and therefore we suppose that if there were a railway, the fish would come in a far better condition, and therefore the trade would develop better.

5628. I suppose the time, whether taken by road, would affect the quality?—The time has a great effect upon the quality.

5629. What time does the steamer take from Queenscliff?—From Queenscliff, I suppose not less than four hours or four hours and a half.

5630. Would that time be shortened much by making the journey by rail?—I cannot say about the shortening of the time, but it would reach the market at the proper time without fail, while the steamer does not ply every day. I am speaking of the *Eclipse*, not of the steamer *Queenscliff*.

5631. *By the Hon. J. Cumming.*—You have been asked some question about the conveyance of fish from Queenscliff to Melbourne by steamer. Are not the fish put down in the hold of the steamer?—No; when they are in baskets they go upon deck; but when they are in bulk I have seen them put in the hold.

5632. They are put in the hold of the steamer, too?—Yes, in large quantity.

5633. And the bay is rough frequently, and they are obliged to keep the hatches upon the hold?—Of course, in rough weather.

5634. So that the fish may be spoiled by the confined atmosphere?—Yes; frequently that happens.

5635. With reference to the cost of conveyance of fish from Queenscliff to Ballarat, it is about £6 per ton?—About £6 per ton: £3 10s. by land, and I have put £2 10s. by the rail; but I am not certain of the amounts since the alteration in the rates on the railway.

5636. So that they only cost £2 10s. from Geelong to Ballarat, a distance of fifty miles, and £3 10s. from Queenscliff to Geelong, twenty miles?—Yes.

5637. So that the greater part of the expense of carriage is between Queenscliff and Geelong?—Decidedly so.

5638. At present the fishermen are obliged to sell to a few dealers at Queenscliff, are they not?—Not the whole. Ever since the association was formed and the markets were opened; previous to that the sale of fish was entirely in the hands of three brothers, and our association drove them out of the country; since then there are a number of people to sell to.

5639. But the greatest number of fishermen sell their fish entirely to dealers?—The greater number do. I do, for one.

5640. But if there were railways for the conveyance of fish, each fisherman would be able to consign his own fish to his own agent in any part of the colony, and get more for his fish that way?—They would be able to open up markets in the western parts of the colony.

5641. That is not my question. I asked if each fisherman would not be able to consign to his own agent anywhere in the colony?—Yes.

5642. And would get more for his fish that way?—Yes; undoubtedly he would. It would benefit the fisherman in that respect, as opening up fresh markets for them.

The witness withdrew.

NOTE.—In the interests of the fisheries and the public at large, it is absolutely necessary (in the summer season) there should be two opportunities daily—one morning, one evening—for forwarding fish caught about the Heads to Melbourne and other centres of population. This can only be accomplished by a railway connecting Queenscliff with Geelong.—J. HARDIE.

TUESDAY, 4TH SEPTEMBER 1877.

GEELONG AND QUEENSCLIFF RAILWAY.

Colonel W. A. D. Anderson, Commandant of the Forces, examined.

5643. *By the Hon. J. Cumming.*—Do you think it desirable, in connection with the defences of the colony, that the railway should be extended from Geelong to Queenscliff?—I am of opinion that effect cannot be given to Sir William Jervois's scheme after construction properly without railway communication with Queenscliff. Col. Anderson,
4th Sept. 1877.

5644. Then you approve of the report as far as it relates to the extension of railway accommodation to Queenscliff?—As far as the railway, but I would wish not to express an opinion on Sir William's report, as it would not become me to do so.

5645. There is a paragraph in the report to this effect—"In order to afford more rapid communication by land, between the capital and the defences, it would be desirable that the railway from Melbourne to Geelong should be continued to Queenscliff whenever an appropriation can be made for this object." Do you concur in that?—If you would permit me, I would rather explain how it bears upon the matter.

5646. You approve of the railway being extended to Queenscliff?—I think that Sir William Jervois's recommendation, as therein expressed, is a very wise one.

5647. Will you be good enough to state to the Committee what, in your opinion, the advantages would be of railway communication, from a military point of view?—Briefly, if Sir William Jervois's recommendation is carried out, the defence of the port will be concentrated at the Heads. He proposes to construct two forts upon the shoals and one on each head. For the manning of these forts he allows 700 men, including 100 for the torpedo defence. It is quite clear that the localities there cannot supply over, perhaps, one-seventh of that number of men, even if organised—as the Naval Reserve are now, that is partially paid. It therefore follows that the care-taking and supervision of these forts, that is, the two

Col. Anderson,
continued,
4th Sept. 1877.

in the water and one on each side of the Heads, will fall upon the paid men at the disposal of the Government; that is, the Victorian Artillery, now in barracks. I know that Sir William Jervois's idea was, that in time of peace it would be sufficient for us to keep a steady non-commissioned officer and fourteen men to work one of the guns in each fort, and for preserving the Government property and for taking care of the valuable torpedo plant he proposes that the colony should possess. To station in those parts the present garrison force to afford the necessary relief would entail the construction of expensive barracks, and add vastly to the cost of the corps, and remove them entirely from my supervision in many ways. A railway would afford means for relieving detachments and training the whole of the men in barracks to the use of the guns, and giving them a thorough knowledge of the ranges; further, the working of the torpedo lines of defence which Sir William proposes in connection with the forts can only be thoroughly accomplished by having men accustomed to the sight, and frequently practising upon the torpedoes and their connections, &c., thereat. I find, therefore, that for economy to supply the manning of the forts in time of war, for their custody in time of peace, and for practising of the men who will have to work them in time of war, they must be frequently visited by the men intended to man them. To supply the 700 men that Sir William requires for the efficient manning of the forts and torpedoes on attack it is quite clear that the permanent force of the colony will not be sufficient, that is, it will require about a sixth more men, and it is only by having these men in easy communication with the works that we can hope to have them fit to fight them. There are a great many other advantages, as to the supply of stores, and of throwing troops down where the encounter will take place, and resisting attempts at landing, and I cannot see that any of these objects can so well be accomplished as with railway communication through the places which will furnish the men. Sir William Jervois's estimate of the cost in the construction of these works was, I think, something like £350,000. I am quite sure the cost of maintenance, the non-necessity of building of barracks, and generally much would be saved by the railway.

5648. Then you think that, even in the construction of these works, the railway would be of considerable advantage?—Yes, although water carriage will be largely used, still a great many stores may be required at special times, when ships could not be kept in waiting, and weather was unfavorable. The construction of the railway would greatly facilitate the construction of the works.

5649. In his report Sir William Jervois refers to a corps at Drysdale and one at Geelong?—Sir William contemplated the reduction of the Naval Reserve, now at Melbourne, who are partially paid by Government on condition of giving a certain number of hours training per annum; and the establishment of a corresponding body of men, to be called Coast Artillery, or some such name, partially paid by Government, in the neighborhood of the Heads and Drysdale, Bellarine, &c. In these neighborhoods we think we could get a class of men who could be trained to gun-work and torpedo-work, the latter from their knowledge of boating and sea-faring habits.

5650. Would it be necessary for those men to be properly prepared that they must have easy communication with Queenscliff?—It is essential to proper training.

5651. He proposes that the whole force shall be under your command?—He proposes that the Naval Reserve shall be placed under my command to prevent divided authority.

5652. If the defences are carried out according to the report of Sir William Jervois, in your opinion railway communication to Queenscliff would be indispensable?—To carry out his scheme effectively after construction, I think so.

5653. *By the Hon. W. Campbell.*—May I ask what time you estimate that these forts would take in their construction?—I am unable to answer that question; it would depend upon the means placed at the constructing engineer's disposal. I should think two years, from opinions I have heard expressed. I do not speak of my personal knowledge, it is outside my power to give an opinion; but I think I am correct in remembering that about two years would suffice if the works were vigorously proceeded with.

5654. Do you think it necessary that the railway construction should precede the construction of these fortifications?—I think that if the railway were constructed at the time that the works were about to be commenced, it would greatly add to the facilities of carrying out the work.

5655. In the way of carrying material?—In ensuring an exact supply of material at the exact time it was wanted, and not depending upon the weather or the state of the harbor.

5656. And also convenience in sending detachments of men to different points—would that be an advantage?—That is after the works are constructed; the men would not be required till after the works were well advanced.

5657. Could not the works be constructed simultaneously with the railway?—I see no reason why they should not.

5658. Is not the construction of the forts of much greater importance than the construction of the railway?—Excuse my saying I do not quite see the comparison.

5659. Is it not more expedient to expedite the construction of the fortifications than of the railway?—From a military point of view, of course the forts are the first thing I should look at.

5660. I presume the object is to supply the Heads with proper fortifications?—Yes.

5661. Then the railway without the forts would not be of much use?—I only speak of the military aspect. In a military point of view, if there are no forts at the Heads I do not see so great necessity for a railway.

5662. Then is it not necessary that the forts should be pushed on as expeditiously as possible irrespective of the railway?—I am perfectly of that opinion, that they should be pushed forward as rapidly as possible, or not undertaken at all.

5663. Still you think the railway is a good adjunct?—I do. I think it is an essential adjunct to Sir William Jervois's scheme.

5664. *By the Hon. Sir C. Sladen.*—Are you in a position to afford information to the Committee as to what portion of the forts recommended in Sir William Jervois's report are to be proceeded with at first?—I have no information as to the intentions of the Government upon the point.

5665. I understood you to say, that if the forts were not erected at the Heads there would be no necessity for a railway?—Not so great, from a military point of view.

5666. I understood you to say, that if the forts were not erected at the Heads there would be no necessity for a railway?—From a military point of view it would not be so essential if the forts are not erected at the Heads.

5667. But would the railway to Queenscliff be of assistance to the forts erected upon the shoals?—Yes, because only by that railway can we provide men to man those forts in time of war, and to train the artillery and torpedo men in time of peace without erecting barracks for the paid artillery, and removing them at an increasing cost of maintenance from the present barracks. Moreover, the other 500 men required can only be procured for training by rapid and easy transport from and to their homes.

5668. What distance is Queenscliff from the forts upon the shoals?—It is some 4000 yards from Queenscliff to the opposite coast.

5669. Upon the shoals?—Upon the shoals from the shore—I am not prepared to answer that accurately, but, upon getting my proof of the evidence, I will, if you will permit me, insert the exact distance.*

5670. But a railway, in a military point of view, would be necessary if any of the forts were erected?—I certainly think so.

5671. *By the Hon. T. J. Sumner.*—Do I understand that, in case of an invasion of an enemy, the 700 men would be the full complement required to work those forts?—For the forts only—for the number of guns Sir William Jervis proposed to mount, 600 men is the number of artillery he has fixed, and 100 for the torpedoes.

5672. That is in the extreme case of invasion?—An attack upon the forts.

5673. And, for the maintenance of the forts, what is the minimum to keep them in proper repair?—I have no estimate of Sir William's for maintenance.

5674. I would rather have your opinion?—At home it is generally taken, I believe, at from 2½ per cent. to 3 per cent. per annum to maintain the works in order, but I do not know as to the new style of work.

5675. From your knowledge of the report of Sir William Jervis and his coadjutor, you think that the plan suggested for the defence of the Bay by the erection of those forts would be sufficient for dealing with any invading fleet that might come into the Bay?—I do not think it becomes me to express an opinion upon Sir William Jervis's report—but I think so.

5676. As a supplement to that, you as a military man think that if we had a railway it would be very useful to communicate with those forts in such a case?—I think it is indispensable from the military reasons I have explained.

5677. Of course I cannot ask you any questions as to what you think of the commercial value of the thing?—I do not know anything on that head.

5678. *By the Hon. F. T. Sargood.*—What strength of detachment do you intend to have at Queenscliff—the full detachment?—In these works?

5679. Yes?—A non-commissioned officer and fourteen men and also provision for casualties and relief.

5680. But in time of war?—Six hundred artillery and 100 torpedo men.

5681. At Queenscliff alone?—No, for the whole.

5682. But at Queenscliff?—I think he mounts six guns there; it is fourteen men to a gun without counting reserve for casualties and relief. Properly speaking there ought to be as many off duty as on; that is twenty-eight to each gun.

5683. That is one hundred men at Queenscliff?—About that.

5684. The remaining men of the six hundred then would be divided between the other three forts?—Yes, and for torpedo work.

5685. Then three quarters of the force would be divided between the three forts opposite to Queenscliff?—Yes; Queenscliff, the opposite head, and the two channel forts and torpedoes.

5686. In your opinion would it be quicker to send men from Melbourne to those three forts by rail, and then by boats from Queenscliff, rather than by steamers direct?—The men that were calculated upon to form the great part of the one hundred torpedo men, and the greater portion of the men for working those forts are expected to be raised nearer between Geelong and Queenscliff from the shores there, including Drysdale, and such other body of men as could be obtained on the opposite side—the Point Nepean side.

5687. Then in your opinion it would be better to have a railway than a swift steamer from Melbourne?—All the men would not be in Melbourne.

5688. The paid artillery?—They would be used as care-takers and fatigue parties in time of peace, and be all there in time of war.

5689. In time of peace you call largely upon them, and would it not be quicker and cheaper to take them down by a steamer rather than by a railway and boats from Queenscliff?—I think it would not be cheaper, because we could not get steamers when we wanted them. I think upon the whole the railway the best.

5690. And cheapest?—And cheapest. I may mention that the railway enables us, in case of wanting land forces, being in connection with the forces that come from the Ballarat direction, to throw a body of infantry where wanted, to give both moral and absolute support along both coasts.

5691. *By the Hon. R. Simson.*—You have stated that this is a part of Colonel Jervis's scheme, this railway to Queenscliff?—He mentions it.

5692. You would not consider it necessary to spend £100,000 to make a railway to Queenscliff for military purposes before any other portion of his military scheme is begun or completed—a railway to Queenscliff would be very little service, in a military point of view, unless Sir William Jervis's scheme is carried out, namely, the forts?—I have given evidence to that effect; unless Sir William Jervis's scheme is to be carried out, I do not think the railway so necessary.

5693. That is just what I wanted to get, because it involves the expense of £100,000; and I wished to ask if you think that is a proper way of commencing the defence scheme of Sir William Jervis, namely, to make the railway before anything else is done upon the defence scheme?—I have inferred that I am asked only to give my opinion from a military point of view, irrespective of money or commercial returns. A question has been asked before similar to that now put, and my reply was, that I do not see so much the importance attaches to the railway unless Sir William Jervis's scheme is adopted.

The witness withdrew.

*From Queenscliff to Point Nepean, say 4000 yards; from Queenscliff to Pope's Eye, say 4000 yards; from Queenscliff to No. 5 Buoy, say 6 miles.

WEDNESDAY, 5TH SEPTEMBER, 1877.

Thomas Higinbotham, Esq., examined.

T. Higinbotham,
Esq.,
5th Sept. 1877.

5694. *By the Hon. C. Sladen.*—Will you be in a position to give the Committee an estimate of the cost of a line of rail to connect the Hobson's Bay railway at the Coal Reserve at Spencer street on the natural level?—Yes; the length of line which the honorable member speaks of would be 1480 lineal yards; and I estimate the cost of it at £5000.

5695. Would that be for carrying a locomotive?—No, it is merely intended for horse traffic.

5696. Would a line to carry a locomotive be much more expensive?—I do not think it need be; but I think that, probably, a locomotive could be used upon this line; but, in considering the matter, I assume that the line will be used for horses only, and laid upon the level of the street.

5697. It would be between Flinders street and the wharves?—Between what are called the low-level sidings at Spencer street and the coal sidings at the Hobson's Bay station at Elizabeth street.

5698. But it would not be exactly upon the line of Flinders street; it would be between Flinders street and the Queen's Wharf, would it not?—Yes.

5699. Do you happen to have a copy of the evidence that you have given?—Yes.

5700. Would you be so good as to refer to questions 1437 and 1438?—Yes.

5701. There are some questions put by the Honorable Mr. Cumming to Mr. Elsdon with reference to some objections that there might be to a line of rails connecting Hobson's Bay railway with Spencer street. I see Mr. Cumming says, in 1438—"I think there is a misapprehension. I think his objection was"—that is alluding to the Engineer-in-Chief's evidence—your evidence—"that the viaduct would cross the chief approach to the goods sheds at the end of Collins street; but if the trucks were taken along the present level of Flinders street they would go round Batman's Hill, and thence go on to the cattle-yards." Comparing that with your own evidence, at questions 46 and 47, I see you say, in answer to question 46, as to the principal objection to that line—the question was—"Then the principal objection, as I understand, is that this connection with Spencer street was at a level with one of your principal approaches?—With the principal approach to the goods shed, and with the approach to the south side of Prince's Bridge, if it be ever improved as it is contemplated to improve it, and as I have no doubt it will be improved." Then the question is—"Would that same objection apply to a railway laid down along Flinders street, for instance, supposing it were determined to make one?—Certainly." I wish you would be so good as to explain to the Committee what the nature of your objection would be, and whether it would apply to a line such as you have now given us an estimate for to connect Spencer street?—In my answers to the questions Nos. 46 and 47 I referred to a viaduct along Flinders street.

5702. That was not to a viaduct crossing the river I think?—Crossing the river and crossing the Hobson's Bay railway and carried along Flinders street, a line on that viaduct would have crossed the principal approach to the goods station at Spencer street upon the level.

5703. Would that be the case with the line for which you have given the Committee an estimate?—No, that line would be carried further west and on to the low level sidings of Batman's Hill.

5704. Then that objection would be removed?—That objection to the line would be removed by a line upon the level of Flinders street.

5705. Then there need be no longer any objection apprehended upon the ground that Mr. Cumming raised?—Certainly not. When I say "certainly" in answer to the question 47, what I referred to was, that there would be a level crossing on the approach to Prince's Bridge either by one line or the other. The question was, would the same objection apply to a railway laid down along Flinders street, for instance, supposing it were determined to make one. The objection would apply to a railway such as it was proposed to lay down in Flinders street in connection with the old suburban railway station; it would cross the north approaches to Prince's Bridge upon the level.

5706. As I understand you, there is no practical objection to the line suggested now between the Coal Reserve and Spencer street station?—There is not that objection of crossing the approach to the goods sheds upon the level.

5707. Now I would ask if you could give the Committee an estimate of a line from Oakleigh to connect with the Hobson's Bay railway at South Yarra upon the same level, supposing running powers were to be exercised by the Government over that line?—Yes, the estimate was made by the department during the time I was absent from here, but I dare say it is correct. The estimate for the line which the honorable member refers to is £84,729; that line would be seven miles and one chain long to the point of junction with the Hobson's Bay railway.

5708. And the exact distance from Oakleigh to Elsternwick—do you happen to know that?—From Oakleigh to Elsternwick?

5709. Yes, if you please?—From Oakleigh to Elsternwick the distance is 4 miles 71 chains.

5710. Do you know the line—I do not know whether there has been any line surveyed—but I suppose it would be the line of the Outer Circle connecting Camberwell with Oakleigh—do you know that?—Camberwell and Oakleigh?

5711. Yes, I think Camberwell comes on the Outer Circle line—do you happen to have information by you that you can give as to the distance?—Yes—[*the witness produced a map*]*—*From Camberwell to Oakleigh, by the Outer Circle line, is a distance of 4·81 miles.

5712. Could you give an estimate of the cost of those 4·81 miles?—Yes, £55,861.

5713. And the distance I believe from Camberwell to Hawthorn is about two miles?—I think so.

5714. There has been no survey between there?—No, there was a survey to the Outer Circle line as originally set out. There has been no survey to the present Outer Circle.

5715. To Hawthorn?—Between Hawthorn and the Outer Circle railway as it was called there was a flying survey made.

5716. What point did that connect with the Outer Circle?—A point near Camberwell; the Outer Circle as originally proposed did not touch Camberwell.

5717. Was the flying survey accompanied with an estimate or an approximate estimate?—I think not, but I cannot say.

5718. You would not like to hazard an opinion as to the cost?—I should not. I can give information to the Committee, though not at this moment, if there is any.

5719. Do you know if there is any difference in the nature of the country from that point to Hawthorn, from the country generally between Oakleigh and Camberwell?—It is more difficult country.

5720. Would it be more costly country in consequence of there being more inhabitants upon it, and more settlement?—I have no doubt that the value of the property would be higher.

5721. I wish to ask a question with reference to the Hobson's Bay railway station—supposing running powers were to be exercised over the Hobson's Bay line, and the Gippsland traffic were brought into the Hobson's Bay railway station, would there be any difficulty in making a wood depôt on either side of the line, so as to intercept the wood traffic, and not take it to Spencer street, to have it kept in the depôt on the east side of the Hobson's Bay railway station?—There would be no insuperable difficulty, but all wood trains, to get into the depôt which the honorable member suggests, would have to cross the down line of the Hobson's Bay railway, on which the trains are very numerous.

5722. To shunt back?—Either to shunt back or cross over it. It would depend on how the sidings were laid.

5723. I believe the Hobson's Bay, in traffic towards the station, takes the south line?—The rule of the road is the left-hand side on all English railways; precisely the same as the rule on an ordinary road.

5724. That is the point on which I wish to ask your opinion. Supposing the trucks with wood were brought in there, do you conceive that that would be attended with any inconvenience or danger to the Hobson's Bay Company's traffic to have to shunt the wood trucks across the line on to this wood reserve?—I think it would be attended both with inconvenience and a certain amount of risk. If signals are carefully attended to, those risks can be guarded against; but on a line where there is a very large number of trains, or where the trains run at very short intervals during certain portions of the day, I think it would be an increase of the risk attending railway travelling if trains were carried across the road on which those numerous trains were running.

5725. Is there no way of avoiding that?—I do not know of any way of avoiding it.

5726. Supposing the wood depôt were on the south side of the line altogether, would that make a difference?—It would make a difference to the up trains, but it would make no difference to the down trains.

5727. They would not have to shunt across the lines of traffic?—The trains arriving in Melbourne with wood would not have to cross the down line, but the down trains of empties would have to cross the up line.

5728. Could you express an opinion, in case of shunting, as to what kind of points would be attended with the least danger, whether facing points or leading points?—They must be facing points, either coming in or out. If trains were drawn on—if the up goods trains were drawn on towards Elizabeth street, they might then pass through leading points on the up line of the Hobson's Bay Railway Company and be shunted back.

5729. Is that the south line?—The up line is the south line—they would be then carried by leading points on the south line, but they would be then shunted back against facing points to get across the north line.

5730. Could you express an opinion as to which would be the worst?—I do not think there is any practical difference—it would be safer for the Hobson's Bay trains, and more dangerous for the wood trains; but any accident to a wood train would block the line, and, therefore, be a source of danger to the Hobson's Bay trains.

5731. Then the risk that you suggest would be due to want of proper attention at the points?—Yes.

5732. Is that an unusual feature in a terminal station?—No, not at all.

5733. Is it a common one?—Certainly.

5734. I believe it is so on many of the Victorian lines, is it not?—Yes.

5735. To illustrate it—it would be so at the Williamstown Junction, where the Geelong line comes in?—Wherever shunting has to be done, or wherever one line crosses another or joins another. The peculiar objection in this case is the very large number of trains on the Hobson's Bay railway.

5736. It would be a question of time—it would require to be done within a certain time?—Yes; it is only in that respect that this case would differ from very many others.

5737. *By the Hon. F. T. Sargood.*—You state that the cost from South Yarra to Oakleigh would be £84,729?—That is the estimate that has been made.

5738. Have you also the estimate of the cost from Elsternwick to Oakleigh?—Yes.

5739. What would that amount to—you gave the length of 4 miles 81 chains?—Perhaps it might be convenient if I gave the total cost of each route?

5740. It would?—From Oakleigh to South Yarra 7 miles 1 chain, cost, £84,729; from South Yarra to Elizabeth street, the station of the Hobson's Bay Railway Company, would be a distance of 2 miles 47 chains; from the Elizabeth street station to the goods warehouse, Batman's Hill, would be 2 miles 13 chains, and the cost of laying down a line to connect the coal sidings at Elizabeth street with the low level sidings at Batman's Hill I have already given at £5000—therefore, the total cost of the route *via* South Yarra would be £89,729.

5741. From Oakleigh *via* South Yarra?—From Oakleigh *via* South Yarra, joining Spencer street.

5742. I have it down £126,000?—That is the direct line—this is from Oakleigh, making the junction with the Hobson's Bay line at South Yarra, and running from Elizabeth street station to Spencer street, £89,729.

5743. Now from Oakleigh to Elsternwick?—From Oakleigh to Elsternwick the distance is 4 miles 71 chains, the estimated cost is £39,995.

5744. Do both those estimates include the cost of land?—Yes.

5745. The cost of connection, of course?—Will be the same.

5746. From Elizabeth street?—Yes, making a total for that route of £44,995.

5747. The cost of the Camberwell, 4.81 miles, you make out to be £55,000; and what is the distance from Camberwell to Hawthorn?—I do not know, I can tell you in a moment.

5748. I think you stated before that the cost, judging from the country between Camberwell and Hawthorn, would be fully as much, if not more, than between Camberwell and Oakleigh?—No, I did not say that.

5749. I understood that the country was more difficult?—Yes.

5750. And therefore the cost would be more?—Yes, per mile, but the distance would be shorter.

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5751. What is the average cost on the Victorian railways for wear and tear per annum for repairs and so on?—Repairs for the permanent way?

5752. Yes, permanent way, taking the railways as a whole, exclusive of rolling stock?—I cannot give a general answer to that question, because the cost of maintaining the different lines varies with the amount of the traffic, and also, to some extent, with the character of the construction of the lines. All particulars as to the cost of maintaining the lines are given in the annual report.

5753. I can obtain it from the annual report?—It is given in the annual report.

5754. This viaduct that is proposed to be erected is of wood, I presume, red gum. What would be the average life of that?—Are you speaking now of the Direct Line?

5755. Of the Direct Line?—I do not think that we have sufficient experience to determine what the life of red gum is, and it depends greatly upon the quality of the timber. I think it would be safe to take 20 years if it is of ordinarily good quality.

5756. *By the Hon. H. Cuthbert.*—I think I understood from you, on the last occasion that you were examined in this House, that you were in favor of the Outer Circle line rather than take running powers?—Yes.

5757. You have read the evidence that has been taken in this House I suppose?—No, I have not, except as reported in the newspapers, and that very hastily.

5758. But you have seen nothing that has been elicited that would make you change the opinion you have formed as to the desirability of constructing the Outer Circle line?—Nothing.

5759. There was one question that I was not very clear about how you answered it; it was relative to the timber traffic. I think you estimated that the quantity of timber that came into the Spencer street station last year was 100,000 tons?—112,000 tons I think I said—either 112,000 or 120,000 tons—I am not quite sure which.

5760. Did I understand your answer rightly when you said that half of that went to Brunswick?—More than half I believe, I do not say exactly to Brunswick but to the northern portion of the city; only 20,000 tons go south of the Yarra.

5761. May I ask you, did you get your information from the traffic manager as to that, or how did you get your information?—I got my information from the assistant traffic manager, who obtained it from the wood merchants.

5762. We had the traffic manager here and he differed very materially from your statement; I think he said that the quantity that went to Brunswick was about 24,000 tons?—To Brunswick itself, but I say to Brunswick and the northern districts of the city.

5763. As to the Direct Line—I understand that you were not consulted by the Government in laying out the Direct Line from Oakleigh to Melbourne?—No.

5764. But you had been consulted, by previous Administrations, relative to the construction of the various lines throughout the colony?—Yes.

5765. And gave them estimates?—Yes.

5766. Are you aware that the late Administration intended to construct 300 miles of railway, at a cost of £4250 per mile?—I saw it so stated.

5767. Did they obtain the estimate for the construction of those projected lines from you?—No; the estimate of £4200 a mile is not my estimate.

5768. *By the Hon. R. Simson.*—Could not this wood traffic which the Honorable Sir Charles Sladen inquired about, that is upon the Gippsland railway, be so arranged that it could be all done at night, and obviate any danger arising from it?—No doubt it might; but that is limiting the working of the line to working at night, and so far limiting its capabilities.

5769. No; only for the wood traffic I am speaking, granting that a depôt was made upon the east side of the line?—No doubt it could be brought in at night; but I think it would very considerably increase the expense of working; you would require a night staff as well as a day staff.

5770. Could it be so arranged that you could have a siding at Oakleigh upon which all the wood traffic could be brought, and bring it all into Melbourne at night, when the Hobson's Bay line is idle?—Yes, no doubt about it, it is quite possible.

5771. There would be no difficulty about it?—No positive difficulty; it would cost more to do it.

5772. It would obviate all this considerable amount of danger that occurs in bringing it in by day?—Yes.

5773. *By the Hon. N. Fitzgerald.*—In your evidence, you named very large figures, in your opinion, as necessary to put the Hobson's Bay line in thorough repair?—Yes.

5774. Supposing running powers were taken for the Gippsland traffic, would you or could you, as Engineer-in-Chief, recommend the Hobson's Bay line, without a large expenditure of money for the purpose?—My estimate was for the whole of the Hobson's Bay lines.

5775. But I speak of a connecting line to Elsternwick. Take the Hobson's Bay line as it is; would not, in your opinion, a large sum of money be required to put the Hobson's Bay line for that heavy traffic in a proper state of repair?—I think a considerable sum would be required, and the line must be doubled from Elsternwick to Windsor; at present it is a single line.

5776. Would that involve putting piles into the river and widening the bridge there?—The Hobson's Bay line is a double line from Melbourne to Windsor.

5777. Can you give the Committee any idea of what portion of the large figures you name for the entire line would have to be devoted for that portion of the line between Elsternwick and Melbourne?—I could not, without some consideration of the matter.

5778. Do you know officially anything of the projected line from Geelong to Queenscliff?—Nothing more than from the sections and plans.

5779. Were the surveys undertaken under your direction?—The surveys were made at the time I was absent.

5780. You cannot give the Committee any opinion upon the engineering difficulties?—There are no serious engineering difficulties. The estimate has been made at the lowest rate that it is believed that a line can be made for here, £5750 a mile.

5781. Are the deviations from the straight line that we see upon it made to tap population, or made on account of the nature of the country?—The object is to tap the Bellarine district.

5782. And Drysdale?—Yes, which is an important district.

5783. Do you know anything of the small line from Ballarat to Gordons?—Nothing whatever.

5784. Do you not know anything of the survey?—There has been no survey made of it.

5785. No survey made at all?—No.

5786. And no estimate of the cost of it?—I have made no estimate.

5787. *By the Hon. Sir S. Wilson.*—There is one point which I do not understand very clearly, in regard to the connection between the Hobson's Bay railway and Spencer street—I think you said it would be two miles long?—1480 lineal yards.

5788. I think that you estimated afterwards that it would take two miles of construction?—The length is 1480 lineal yards.

5789. To connect with the railway lines where?—To connect with what are called the low-level sidings, but after you get there you have to travel a considerable distance to the goods sheds—the 1480 yards would cost £5000. What I give is the distance from the Elizabeth street station to the goods warehouse at Batman's Hill—that is 2 miles 13 chains.

5790. The distance the train would have to travel?—The distance the train would have to travel—the 1480 yards is included in that 2 miles 13 chains.

5791. I do not know whether you saw Mr. A. K. Smith's evidence?—No.

5792. In regard to the connection between the two stations?—No.

5793. With regard to the level line along the south side of Flinders street, would there be any great difficulty in making a level line for locomotives, with gateways at the Falls and a gateway at the bridge crossing the Yarra—simply a gateway crossing, and allow the Falls to be fenced in, and the railway line to be fenced in on the south side of Flinders street, so that the railway would be separate altogether from the traffic on Flinders street and from the traffic upon the Falls—I suppose 30 feet would be quite sufficient for a line; and there is a large quantity of ground upon the north side of the wharves which could be very well spared without interfering with the traffic upon Flinders street, or upon the wharves—I wish for your opinion upon that point, whether it would be practicable or inconvenient?—It would be quite practicable, but I think it would be inconvenient, in regard to the traffic on the wharves, and also to that very large traffic that crosses what is called the Falls Bridge to Emerald Hill.

5794. There would be a level crossing to that?—There would be a level crossing to that. Perhaps you will allow me to mention also, that, in one point in Flinders street, opposite to William street, and from there to King street, where the river is wider, any railway must pass very close to the wharves if it does not intrude upon the width of the street. If you look at a map of Melbourne, you will see that Flinders street is much narrower there than at other parts.

5795. I am aware of that; but there is a very great addition to the street?—Not at that point.

5796. Except for a very small distance, say 100 yards from the Falls Bridge?—Opposite William street the wharves touch the line of the street; on either side of William street there is a very considerable width between the wharves and the street.

5797. Then you think that the railway would hinder the traffic materially along the wharves?—I think it would be a very serious inconvenience.

5798. How many trains a day do you think would require to cross at the Falls Bridge?—I do not know—I have not made any estimate of that.

5799. Would it be ten trains or twenty trains a day?—Not more than twenty, certainly.

5800. Then it would only inconvenience the traffic at the time the trains passed, just for a minute, while those ten or twenty trains were passing?—While the trains were passing, and while the trains were approaching. The gates cannot be opened and shut just at the very minute the train is passing.

5801. And the wharves would be only inconvenienced to the extent of 20 feet, the strip upon which the railway ran being taken away from the space upon which the traffic was conducted?—The traffic at the wharves would be very seriously impeded if the line were fenced off from Flinders street.

5802. That is, the traffic back and forward, which at present can cross at any point, it would have to go to the gates?—It would have to go to the gates.

5803. That is the only inconvenience?—That is the only inconvenience.

5804. The traffic would have to go to the gates?—Yes, the traffic would have to be diverted from the direct course which it takes at present into a circuitous course, and it would be delayed, of course, at the gates before and at the time and after the time of the train passing. I should be glad if the Committee would allow me to correct what I think may be a misapprehension, arising from the evidence I gave as to the amount of traffic which is likely to arise upon the Gippsland railway. In my previous evidence I referred to the cattle traffic.

5805. *By the Hon. Sir C. Sladen.*—Could you tell the Committee in which of the questions it occurs, if you happen to know?—Seventy-four and the subsequent questions, I think, I referred to certain items of the Gippsland traffic in my former evidence—the cattle traffic—as being £11,200 annually; firewood, £15,000; and the passenger traffic about £10,000 more, making a total of £36,000. In reading over my evidence for the purpose of correcting the proof which was sent to me, I observed that it might be misapprehended to the extent of supposing that I believed £36,000 would be the total traffic of the Gippsland railway. My object in giving the items of traffic which I gave was to show that in my opinion the least important part of the traffic of the Gippsland railway would be the passenger traffic. My estimate of the whole of the traffic of the Gippsland railway is not £36,000, but £59,829; and I think, perhaps, it might be convenient if I were to give the items, if the Committee will allow me, of that estimate. My estimate of the cattle traffic is £11,200 yearly; firewood, £15,000; and passengers, £10,329; mails, rents, and parcels, £4550; and general merchandise £18,750, making a total of £59,829. There is one other point upon which I should like to correct my previous evidence. I was asked what time it would take to construct the Outer Circle railway, and I said eighteen months. I believe the line could be constructed in fourteen months.

5806. May I ask you about what time it would take to make, for instance, the connection between Elsternwick and Oakleigh?—Not more than five months certainly.

5807. And from Oakleigh to South Yarra?—Perhaps seven months.

5808. From Oakleigh to Camberwell about?—Five months, I should say, would be quite enough.

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Esq.,
continued,
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5809. *By the Hon. Sir S. Wilson.*—I understand that the line at Oakleigh does not stop at Oakleigh, but comes some distance further towards Melbourne, is that not so?—No; it is at present at Oakleigh, at what is called the Warrigal road at Oakleigh.

5810. I understood that the line had been continued from Oakleigh to the metalled road for the convenience of traffic?—It has been carried on, and is now at Oakleigh. The line was commenced at a point three miles and a half east of Oakleigh. I have a memorandum here which perhaps the Committee will allow me to read to them, of the roads which would be crossed upon the level, if the line were made from Oakleigh, joining the Hobson's Bay railway at South Yarra.

5811. *By the Chairman.*—Do you propose to hand them in to the Committee?—I can, if the Committee desire it.

5812. Would you like to read it?—I will do either; I am quite in the hands of the Committee.

5813. *By the Hon. Sir C. Sladen.*—Could you tell the Committee what streets those are that the line would be likely to go over—the Gardiner's Creek road?—The Gardiner's Creek road would be crossed by a bridge.

5814. Would that be in case of connecting upon the level at South Yarra?—Yes. Balmoral street will be crossed upon the level; Chapel street, on the level; a road unnamed, on the level; Williams road will be crossed on the level; Canterbury road, level; Malvern road, level; High street, level; Boundary road, level; Union street, level; Wattle-tree road, level; Barkly road, level; Dandenong road and ten other roads east of the Dandenong road, also cross upon the level; making altogether twenty-three public road surface crossings between South Yarra and Oakleigh.

5815. If the line had been continued on the higher level, crossing the railway on a bridge, would those level crossings have been avoided?—Some of them. For instance, Chapel street would have been crossed by a bridge, and that is a very important road.

5816. That is a great thoroughfare?—That is a great thoroughfare.

5817. *By the Hon. N. Fitzgerald.*—Would each of those level crossings, in case that line is constructed, require a gatekeeper?—Undoubtedly.

5818. *By the Hon. F. S. Dobson.*—Have you also got the number of roads that would be crossed by the Outer Circle line joining Oakleigh and Flemington?—I have not got it here, but I can get it for you. Between Oakleigh and Elsternwick, about eleven, much less important than those upon the line to South Yarra.

5819. And about how many upon the Outer Circle; have you any idea?—I have had it, but I should not like to venture to speak from memory.

5820. Perhaps you can send it?—I can.

The witness withdrew.

William Elsdon, Esq., examined.

William Elsdon,
Esq.,
5th Sept. 1877.

5821. *By the Hon. Sir C. Sladen.*—Supposing that running powers were to be exercised by the Victorian Railways over the Hobson's Bay Railway Company's line, so as to come into your station, I want to ask your opinion as to what objection there might be to a depôt being made to the eastward of Swanston street for wood—firewood—would that involve any hindrance to your traffic, the wood being brought in and having to be shunted, or to be got rid of in some way or another into the depôt?—Just the usual junction points.

5822. Would that be attended with any inconvenience or danger to your traffic?—Not any extraordinary danger; the usual danger attending all junctions of that description; there would be nothing unusual.

5823. You do not think that a number of trucks loaded with wood would make any difference?—No; provided the trains are properly timed with the other trains.

5824. I suppose the time-table would be a matter of arrangement?—A matter of arrangement.

5825. Then, as far as the company is concerned, there would be no difficulty in having a station reserved for the purpose of storing wood?—None.

5826. *By the Hon. F. S. Dobson.*—What is the cost of a gatekeeper, say the gatekeeper at the Albert Park station?—Five shillings.

5827. Five shillings a day?—Yes; five shillings a day and a house, and some only five shillings. It is according to the amount of traffic that passes the gates.

5828. *By the Hon. F. T. Sargood.*—Can you form any idea or give any opinion as to the cost of the line from Camberwell to Hawthorn?—£20,000.

5829. For those two miles?—Two miles.

5830. Have you been over the country, or formed any estimate?—I surveyed it four or five years ago.

5831. With a view to a railway?—I had an eye to that.

5832. And those two miles would cost £20,000?—It would then, including land and everything.

5833. *By the Hon. N. Fitzgerald.*—How many level crossings do you know would there be upon that line from Oakleigh to Elsternwick?—I think there are six.

5834. Are they important lines of traffic?—No.

5835. Ordinary country roads?—Yes.

5836. *By the Hon. Sir C. Sladen.*—I understood that you wish to give some explanation with reference to the last evidence that you gave about the level crossings?—On the Oakleigh and Elsternwick route I think it was. I said I thought there were six. All the other streets are crossed by bridges, either under or over.

5837. I was informed that you wanted to give some information about that?—One honorable member was asking me about level crossings, and I was correcting him, and I said six.

5838. Are you aware that Mr. Higinbotham was examined about it, and he said there were eleven?—That possibly might be, for the simple reason that Mr. Higinbotham surveys a route different from the one I took for Murray Ross. It is a difference of survey.

5839. Then you might be both correct?—Possibly.

The witness withdrew.

TUESDAY, 11TH SEPTEMBER, 1877.

Mr. Davis Caldwell examined.

5840. *By the Chairman.*—Are you the president of the shire of Bungaree?—Yes.Mr. D. Caldwell,
11th Sept. 1877.5841. *By Sir S. Wilson.*—I believe you have resided in the shire of Bungaree for a number of years?—About eighteen years.

5842. You are well acquainted with the country there?—I am.

5843. What is the quality of the land in the greater part of your district?—Extraordinarily good.

5844. Are you acquainted with the direction which the proposed line from Warrenheip to Gordons is to take?—I am.

5845. And can you give any idea of the value of the land in the immediate neighbourhood of the line?—Land has been sold lately in our neighbourhood at £61 per acre. The general average of it I have assumed that, where this line is supposed to go, it would run from £25 to £75 per acre—an average of about £35.

5846. And is there a large area of land of similar value?—Yes.

5847. Can you give the Committee an idea of the area of this valuable tract of land?—The shire of Bungaree contains about 70,000 acres. I have assumed two-thirds of the whole is of about that description.

5848. Two-thirds of the whole?—Two-thirds of 70,000 acres.

5849. That is something like over 40,000 acres. What are the principal products of the country—of this rich agricultural land?—Wheat, oats, barley, peas, potatoes, and all the other root crops that will grow.

5850. Are those crops carted out of the district to a large extent, or consumed there?—Generally carted to Ballarat and sold.

5851. Can you give any estimate of the quantity of potatoes that are exported out of the district—I mean to say, carted out of the district—at present?—The gross amount I suppose I may refer to my notes for?

5852. Certainly; yes. Perhaps it would suit the Committee better if you were to give an estimate of the quantity of potatoes that you suppose might be carried by the proposed railway if completed?—I could only answer you that question by referring you to the shire statistics, as taken by Government each year. It gives the separate quantities; it gives the quantity of potatoes.

5853. Can you give the Committee any information as to the quantity of potatoes?—There are 10,000 tons* marked here for the years 1866 and 1867.

5854. Ten thousand tons?—Ten thousand tons; but I might inform you that that is based upon an average yield of five tons per acre, and this year has been over twelve tons throughout the whole district of Bungaree.

5855. What number of tons do you estimate the total available crop will be for sale this season?—Somewhere about 16,000 tons.

5856. Beside this large tract of valuable agricultural land, I understand that there are valuable forests where good timber is got for sawing and splitting purposes?—Yes.

5857. I understand that a large quantity of firewood is sent to the mines from this district—can you give this Committee any information as to the quantity?—Since I have been summoned to give evidence here, from actual observations, I find there are about 672 tons consumed for mining and manufacturing in Ballarat per week, also about 250 tons for domestic purposes, which is taken from state forests and farms in the vicinity of Bungaree.

5858. Do you think a large proportion of this would go by this railway, if constructed?—Yes, I think so.

5859. What proportion do you think?—Two-thirds.

5860. Of the whole amount you have stated?—Of the whole amount I have stated.

5861. Then, as regards split timber, shingles, posts and rails, and so forth?—Mining props and laths make 144 tons weekly.

5862. Props and laths?—Props and laths used for mining purposes.

5863. And with regard to other timber, shingles, and so forth, would there be a considerable additional amount?—Shingles and paling are represented at 120 tons weekly, but as regards sawn timber there are six months in the year we estimate 430 tons per week.

5864. And would this sawn timber, and this split timber, a large proportion of it, go by railway if the line were constructed?—I think all.

5865. All of it?—All of it—from the fact that the State forest lies beyond the terminus of the proposed line at Gordons.

5866. It lies south and south-east?—It lies north and east.

5867. Would there be any passenger traffic of importance in that direction?—At present there are two coaches running daily from Ballarat to Gordons, and thence to Egerton.

5868. About how many passengers each way per day may there be?—I think perhaps 20 a day might pass—200 a week.

5869. Is that each way or in one direction?—I should think they would pass in one direction.

5870. Two hundred in each direction or 200 in all?—I am not prepared to say distinctly upon that subject. I have not given sufficient attention to speak definitely, but I would think anyhow that about 200 would be carried by the railway if they had railway convenience—I think each way, backward and forward.

5871. What is your estimate of the total tonnage each way on this line—have you made any estimate?—I have. 1449 tons weekly, or a gross total of 100,256 tons per year.

5872. This I presume is the local traffic only?—This is traffic confined to the shire of Bungaree, a portion of the north riding of the shire of Buninyong, also a portion of the shire of Ballan.

5873. Then provided this railway were completed, and connected with Bacchus Marsh, and Ballan, and Keilor Road, as has been proposed, there would be an additional through traffic beside what you estimate

* Statistics show 10,000 tons as the actual quantity for 1876.

Mr. D. Caldwell,
continued.
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as the local traffic?—I think if the line is ultimately carried through as a direct line from Ballarat to Melbourne the traffic would be largely increased, from the fact that in our own district there are thousands of tons of potatoes lying at the present moment hardly worth shifting; whereas if there were railway communication with Melbourne, they would be worth £1 a ton more than they are. It would induce the inhabitants to grow more potatoes if they could get rid of them at a profit.

5874. From your knowledge of the district, what is your opinion of this railway in a pecuniary point of view, as to giving a return for the expenditure?—I am prepared to say, as president of the shire, that had it been in our power under the Local Government Act, we would have been only too happy to make it and guarantee 4 per cent. to the Government.

5875. But would your estimate of the traffic be still the same?—We estimate it to yield about 12 per cent. to 12½ per cent. upon the construction cost of £80,000.

5876. That is the gross return I believe?—The gross.

5877. Would there be other advantages about relieving the main roads from the very heavy traffic?—Our main road in the shire of Bungaree costs £200 a year per mile to maintain, if it were relieved of what we call foreign traffic, that is traffic out of the shire, it would reduce the maintenance to the extent of 75 per cent.

5878. *By the Hon. N. Fitzgerald.*—What distance is Gordons by road from Ballarat?—Fourteen miles.

5879. Is the road a good one—a macadamized road?—A very good road.

5880. The traffic comes that way now of course—by road to Ballarat?—The traffic I speak of, the principal portion of it, does not go to Gordons at all; it comes through to Ballarat on the Bungaree road.

5881. Does that road run in the same direction as the road to Gordons?—The South Melbourne road runs direct from Ballarat to Gordons—the north road; the North Melbourne road keeps rather more to the north and west, and crosses the Moorabool about six miles north of Gordons, direct into the State forest.

5882. In your opinion would the traffic from that place—six miles from Gordons—go to Gordons by railway or by road?—I think the great portion of it, particularly the timber traffic, would go by rail.

5883. How far is it from Ballarat that they get the sawn timber?—The principal portion of this sawn timber is carted between twenty and thirty miles to Ballarat; in fact all the sawn timber nearly.

5884. But the produce which is raised at the six miles' distance comes from, I believe, by far the most fertile part of Bungaree, is it not so?—All along the north road is good ground.

5885. Would, in your opinion, the produce raised there be taken six miles to meet the railway to Gordons?—I think the bulk of it would be taken four to six miles to the railway station. Understand me—any person who lives, say six miles away from Ballarat at present, six to seven miles, considering it would be a through line, would take his produce to the proposed line of railway.

5886. *By the Hon. H. Cuthbert.*—I suppose, if this line were constructed, the farmers there would have a market not only to Ballarat but elsewhere—at Echuca and Melbourne?—Yes; large quantities of sawn timber, even since we had the metalled roads opened, and since the railway was made from Ballarat to Stawell—large quantities of timber are daily sent to Stawell, and also to other parts of the colony—shingles are at the present time being sent from our State Forest to Echuca.

5887. What did you estimate the quantity of potatoes at—was it 15,000 tons?—I think I said 16,000 tons.

5888. Are you not rather under the proper estimate?—I think it is very likely there will be a great many more—I have endeavored to keep under the mark.

5889. Are you aware what was the return per acre this year of potatoes?—About twelve tons.

5890. Was that the average?—About the average.

5891. Where do you find a market—where is the principal market for the potatoes?—Principally they are taken to Ballarat, and thence sent all over the world—one firm at Ballarat at present is shipping potatoes to China, also to India.

5892. In consequence of the want of railway communication then, you would have to bring all these into Ballarat at the present time?—Yes.

5893. But, with railway communication, you would send them direct to Melbourne or other parts of the colony?—Yes, with the through line to Melbourne.

5894. Is the traffic upon the road through the shire of Bungaree very great?—Uncommonly so—more perhaps than upon the roads of any other shire in the colony.

5895. Can you give the Committee an estimate of keeping the main roads in repair annually—I mean per mile?—£200.

5896. Two hundred pounds per mile?—£200 per mile.

5897. Have you made an estimate of the population that would be served by this railway?—I have; it is about 20,000—I am speaking of the Gordons line alone.

5898. *By the Hon. J. A. Wallace.*—If I do not mistake, I think you said, in the years 1875 and 1876, that the produce of potatoes of Bungaree was 10,000 tons each year?—1876 and 1877 I think I said.

5899. Each year?—10,000 tons, quoting the Agricultural Statistics.

5900. An average crop of about 5 tons to the acre?—An average crop of about 5 tons to the acre.

5901. And the crop last year was about 12 tons?—About 12.

5902. But you say the amount this year will be about 16,000 tons?—Yes.

5903. Then there must be an immense quantity of ground more planted this year and last year?—Yes; there is a larger number of acres under potatoes this year than ever since I have been in the shire.

5904. *By the Hon. J. Balfour.*—You spoke of a lot of sawn timber coming by this line, did you not?—Yes.

5905. What direction does it come from?—The larger portion of it from beyond the Werribee, from mills owned by Mr. Crowley and Mr. Fitzpatrick and Mr. Croston, and two mills by Mr. Blake.

5906. Where are Mr. Blake's mills?—Near a township called Blakeville.

5907. Not far from Ballan?—About 10 or 12 miles from Ballan, I think it is.

5908. Would it benefit Ballan as well?—Decidedly so.

5909. How far is Ballan from Gordons?—Eight miles.

5910. *By the Hon. J. Buchanan.*—I think you said this was part of the direct line to Melbourne?—We hope that it may be,

5911. Are you acquainted with the nature of the country through the Pentland Hills?—I am; I have been through there a good many times. Mr. D. Caldwell,
continued,
11th Sept. 1877.

5912. And it is very valuable agricultural land, I believe?—It is as far as the Pentland Hills, and also the immediate vicinity of the Marsh.

5913. It was sold, I believe, in small farms?—I cannot say as to the size of the holdings about Ballan and the Marsh. I think the holdings are larger there than in Bungaree.

5914. But it was sold by auction?—Yes, sold by auction.

5915. Have you any idea of how long ago?—I must correct myself by saying, that a great deal of the ground was selected under the 1865 Land law.

5916. Upon the Pentland Hills?—No, but in the neighbourhood of the Marsh. I think Pentland Hills was sold by auction.

5917. You are not acquainted definitely with that?—I am not particularly acquainted with that district, only from passing backwards and forwards.

5918. You are not aware whether the land was sold by auction to the present holders?—No, I am not.

The witness withdrew.

Robert Boyd, Esq., examined.

5919. *By the Chairman.*—What are you?—A civil engineer.

5920. For the shire of Bungaree?—For the shires of Buninyong and Bungaree.

5921. *By the Hon. Sir S. Wilson.*—Are you acquainted with the district through which the proposed line to Gordons is to be run?—Yes. Robert Boyd,
Esq.,
11th Sept. 1877.

5922. The distance I think is a little over eleven miles?—Yes.

5923. You have heard the evidence given by the last witness—do you agree with him as to the valuable quality of the land which it runs through?—Yes. I think it is about a fair price to be considered—it is worth about £40 per acre.

5924. A large extent of country?—Yes.

5925. About how many acres do you estimate as worth from £30 to £40 per acre in that neighborhood?—I could not say the quantity of acres.

5926. As regards the country through which the railway would run, is there any great engineering difficulty in the way?—Within the limits of deviation I think there is no great difficulty with the exact line as laid down.

5927. Have you any experience in railway engineering, and laying out railway lines?—Yes.

5928. You have been connected with railway works in the old country, have you not?—Yes.

5929. What is your estimate of the cost per mile of this line, from what you know of railway engineering?—In the absence of any preliminary survey, and having examined the locality from the data that I could obtain, and general knowledge of the probable requirements of the necessary constructions, I think £80,509 is my estimate of what it could be constructed for (being at the rate of £7319 per mile).

5930. For the whole length of eleven miles?—Yes, but that would be exclusive of rolling stock.

5931. Have you made any estimate of the probable revenue from this line, if it be constructed?—I have.

5932. Can you give the Committee some items in regard to it?—Taking a gross income from tolls of £3000, and taking it at 6d. a ton that passes over the road, will give an idea of the probable income from the tonnage—I think it would show about 120,000 tons per annum that is taken over the roads at present and pays tolls; but there is a considerable deal more that evades the toll.

5933. Does this refer to the local traffic merely between Gordons and Ballarat and the reverse way, not including the through traffic that might follow if the line were extended to Ballan, and ultimately connected as the direct line to Melbourne?—Yes, but there would be a portion of that (you may say half-way) which would not traverse the whole length to Gordons.

5934. In your opinion, would this line pay a fair profit upon the amount expended upon its construction?—I think it would pay a handsome profit.

5935. I suppose you could not make any estimate of the return upon the amount expended, could you?—I made a rough estimate; but I think it might give 15 per cent.

5936. *By the Hon. F. S. Dobson.*—Do you know if the direct line from Ballarat to Melbourne was ever surveyed?—I believe it was.

5937. Anything more than a flying survey made? We have not had the Government engineers yet upon this, and I thought you might know?—I was engaged upon the Geelong and Ballarat railway at that time, and heard Mr. Watson was busy on the direct line to Melbourne.

5938. Do you believe it to be pretty much the same course as the direct line?—Yes.

5939. What would be the distance from the terminus of this proposed line to the Keilor road?—I do not know.

5940. *By the Hon. F. T. Sargood.*—Of the 120,000 tons which you say will be produced by this district, can you say what portion would be shipped—the preceding witness said a large quantity would be shipped; could you give us any information upon the point?—I have no idea.

5941. Can you say, for certainty, whether it is the intention or hope of producers to ship a large portion of it?—I could not say.

5942. *By the Hon. H. Cuthbert.*—Are you aware that this line was surveyed, years ago, by Mr. Darbyshire, one of the engineers of the Government?—I am aware that it was surveyed; whether it was the exact line or not I do not know—of course, there was a direct line laid down from Ballarat to Melbourne, by way of Ballan.

5943. I believe this was one of the first lines ever surveyed; surveyed under Captain Clark's directions?—Yes, I believe it was.

5944. Through Bacchus Marsh and Ballan, and by Gordons, to Ballarat?—Yes.

The witness withdrew.

Mr. Thomas Crowley examined.

Mr. T. Crowley,
11th Sept. 1877.

5945. *By the Chairman.*—What is your trade or profession?—Saw-mill proprietor.
5946. You are a councillor of the shire of Bungaree, are you not?—Yes, and have been for a number of years.
5947. *By the Hon. Sir S. Wilson.*—You have resided I think for a long period in this district, have you not?—About nineteen years.
5948. You are well acquainted with the whole district, I presume?—I am.
5949. There is a large tract of fine forest land near to Gordons, is there not?—Yes; State forest of 40,000 acres, I think.
5950. From your business there, I presume you know this country very well—the forest land?—Yes.
5951. Is there a large extent of timber still to be got from there, or is it nearly exhausted?—There is about 40,000 acres available, because even what is gone over by the sawmills is available for firewood purposes, and props and laths.
5952. Can you give the Committee any estimate of the amount of timber that would be likely to go over the railway if constructed?—I have simply taken, as near as possible, the actual cutting, and the amount that I estimate would pass over the line from Gordons would be 215 tons per week.
5953. This is sawn timber alone?—Sawn timber alone.
5954. Then, in regard to other timber—shingles, mining props, and so forth?—Shingles and paling would be about 120 tons per week.
5955. And mining timber?—Mining timber, confining it to props and laths, would be about close upon 200 tons.
5956. Then as regards firewood, is there a large quantity taken to the mines at Ballarat from your district?—Yes; a very large quantity continually passing to Ballarat and the surroundings.
5957. Can you give an estimate of the quantity that might reasonably be expected to pass over the proposed line?—I think about 700 tons a week; there would be about 1000 tons altogether, I think.
5958. There is a large extent of valuable agricultural land, I believe, near the proposed line?—Yes, the proposed line is going through some splendid land.
5959. As regards the population and extent of holdings, can you give any idea of the average extent—is it in large holdings or small farms?—I think the average holdings are about sixty acres each; that is what I estimate it at.
5960. What is your opinion with regard to this line, if constructed, as regards its paying well—it would be likely to give a good return upon the outlay or otherwise?—I think, if it is possible for a line to pay in the colony that would pay, and I am satisfied it would pay well.
5961. *By the Hon. R. Simson.*—Where do you think most of this traffic would go—to Melbourne, Geelong, or Ballarat?—It would go all over the Government lines, that is my experience, because it is not long ago that we could not send timber except to Ballarat and its surroundings. Now I am sending timber to Stawell and elsewhere since these lines were opened up.
5962. Can you in the Stawell market compete, having your sawmills so far from Stawell, with the sawmills much nearer?—We were competing and sending any quantity to Stawell last summer.
5963. By rail?—By rail, and had to cart it to Ballarat East railway station first.
5964. Potatoes is one of the great items of produce, is it not, there?—Yes.
5965. Could you compete with the potato growers in Warrnambool and send potatoes to Stawell and Melbourne?—Yes, I think so, at the price potatoes are at this year; they are only worth about £1 a ton in Ballarat itself.
5966. *By the Hon. F. T. Sargood.*—Will potatoes pay at £1 a ton to grow?—No, they will not.
5967. Then you can hardly expect the present price of £1 a ton to continue?—I think not.
5968. Then, assuming that the potatoes fetch a fair price, would the growers there be able to compete with Warrnambool?—Yes, I think so; 35s. would pay.
5969. Would a large amount of these potatoes be for shipment?—I think they would; they are bought up for Melbourne.
5970. For shipment from where—Geelong or Melbourne?—I do not know.
5971. Would there be any other produce for shipment?—I do not know.
5972. Timber for instance?—No, I do not think we can send timber out.
5973. Then the object of this line to a considerable extent would be to send produce for shipment?—No, to send it all over the colony.
5974. I understood you to say that a considerable portion of the produce was for shipment?—No, I did not say that, except potatoes.
5975. I misunderstood you. Can you form any idea as to the quantity that would be sent down for shipment or for consumption in Geelong and Melbourne?—I think it would depend upon the price; the cheaper they can come to Melbourne of course the more would be exported. It costs more to take them to Ballarat now than it would if there were a railway station at Gordons to take them to Melbourne—we could take them to Melbourne at the same price we can now deliver them in Ballarat.
5976. Do I understand that the effect of a direct line would be to enable the producers to send a considerable amount of stuff to Melbourne?—They would.
5977. That being the case, would it not be better to commence the construction of this line at the other end at Diggers Rest, and work up?—I cannot give an opinion upon that. I think not.
5978. *By the Hon. J. P. Bear.*—Are there many potatoes there now?—There are thousands of tons.
5979. Rotting, in fact?—They will, unless the price goes up so that parties can transport them. I have seen them.
5980. *By the Hon. H. Cuthbert.*—Then in addition to sending sawn timber to different parts of the colony, would there be anything else—hay, or wheat, or oats sent through the colony?—I am satisfied that hay and oats would.
5981. Up to Horsham and Stawell and Echuca?—Yes.
5982. Is not there a very large market now in Ballarat, and does not it supply various parts of the colony since railway communication was opened?—It does.

5983. And Ballarat is supplied chiefly from Gordons and Warrenheip?—Yes, chiefly from that district. Mr. T. Crowley,
continued,
11th Sept. 1877.

5984. So that it would be an advantage if this railway be made, not only to Gordons and Warrenheip, but also to Ballan?—Certainly, the people of Ballan would avail themselves of it.

5985. Would the Bacchus Marsh people avail themselves of it?—I cannot say as to Bacchus Marsh, but they must go to Keilor if they want to come this way; but the Ballan, Gordons, Black Hill, and South-East Bungaree people, if there were a station at Gordons would be as near to Stawell or Horsham and other places, as if they were only a mile outside of Ballarat, that is, as regards sending their produce to those towns for sale.

5986. Then, I suppose, the amount paid for carting produce from Gordons to Ballarat is a very heavy item?—Upon sawn timber I can give it, because I am continually paying it—it is 20s. a ton from my place.

5987. How many tons do you say the traffic is in sawn timber per week?—Two hundred and fifteen.

5988. You would get it cheaper by railway?—We expect that.

5989. *By the Hon. W. Campbell.*—May I ask what rate you pay per ton per mile for railway carriage?—What are we in the habit of paying?

5990. Yes, for timber that you send to Stawell and other places?—I think, speaking from memory, about 11d. per 100 feet from Ballarat.

5991. Eleven pence per ton per mile?—It is 11d. for 100 feet, that would be a little less, I think—that is about 9s. per ton to Stawell.

5992. Nine shillings per ton?—I think so.

5993. What is the distance?—I suppose it is 80 miles, I am not certain.

5994. That is a very small rate per ton per mile?—Yes, I think 6d. per truck per mile.

5995. What would the charge be from Gordons to Ballarat—do you recollect at that rate?—Under 35 miles I think the charge is so much per truck.

5996. How much?—I am not certain, but I think £1 4s. or 30s., or something like that, per truck.

5997. That is a minimum charge?—Yes, and then so much a mile after that.

5998. Do they charge at the same rate for firewood as for sawn timber?—No.

5999. They charge a less rate?—A less rate.

6000. How much, do you know?—I do not know; I think 20s. per truck, under 35 miles.

6001. *By the Hon. F. T. Sargood.*—There was one of your answers that I did not clearly understand—did I understand you rightly, that the cartage from Gordons to Stawell, 80 miles, was only 9s. a ton?—For sawn timber?

6002. For sawn timber?—11d. per hundred feet I think, speaking from memory.

6003. That is surely wrong—9s. for 80 miles?—Perhaps it is 12s.

6004. Twelve shillings for 80 miles?—I think it comes to 11d. per hundred feet, from Ballarat East station to Stawell.

6005. Do you mean, that a ton is carted 80 miles for 12s.?—I think it is 12s.

6006. That is the rate of cartage for 80 miles?—By rail, I think so.

6007. What is the distance from Gordons to Ballarat?—About 15 miles.

6008. Then, at the same ratio, what does it cost from Gordons to Ballarat?—The Railway Department do not charge that way—they charge by the truck, under 35 miles.

6009. But, if you say a ton can be carted 80 miles for 12s., and it is 15 miles from Gordons to Ballarat, I want to see where the income is to come from for the railway?—I think it would be about 3d. per hundred feet for 15 miles, that would be about 2s. 6d. a ton from Gordons to Ballarat.

6010. *By the Hon. J. Buchanan.*—I think there is a slight mistake in that part of the evidence; you said cartage from Gordons to Ballarat I understood was 20s.?—I said from my place, which is beyond Gordons.

6011. And then the other charge of 12s. you referred to was railway cartage?—From Ballarat to Stawell I think it is 12s. a ton.

6012. You pay 20s. for carting how many miles?—22 miles.

6013. That would be nearly a shilling a mile?—Yes.

The witness withdrew.

Mr. Edward Blake examined.

6014. *By the Chairman.*—Do you reside at Bungaree or Gordons?—Ballan.

6015. You are a justice of the peace there?—I am.

6016. What are you in business?—A sawmill proprietor.

6017. *By the Hon. J. Balfour.*—Is there much done in cut timber at Ballan, where you are, is there much business done?—I myself do a very large trade in the trade. I supply most of the Geelong timber, nearly all the Geelong timber now, and Stawell, and even as far as Horsham and Echuca.

6018. Do you send much to Ballarat?—I send a great deal to Ballarat just now.

6019. How far are you from Ballarat?—About thirty-one miles from the mill.

6020. How far would you be from the station at Gordons?—About fifteen miles.

6021. If this line were constructed, of course you would make a good deal of use of it?—There would be a large reduction in the cost of the production of sawn timber.

6022. What sort of a road have you there now?—Some portion of it bad; a great portion of it pretty good.

6023. Any of it steep?—No, no very steep portions of it.

6024. What about the other products—you have heard some evidence given to-day, I suppose?—

I have.

6025. Then can you corroborate that as to the potatoes and other produce of the district?—In Kerit Barceet I can, that is a portion of the evidence given that I can fully corroborate.

6026. Do you know that country?—I know that fact.

6027. What sort of soil is it?—Splendid. I have never seen anything better.

6028. Do you know the value of it per acre?—I should think £50 an acre, a great deal of it.

6029. It produces very heavy crops?—Very heavy crops.

Mr. E. Blake,
11th Sept. 1877.

Mr. E. Blake,
continued,
11th Sept. 1877.

6030. Do you agree with the other witnesses that those potatoes would find their way to different parts of the colony if they had railway communication?—If they could be got to market at a cheap rate.

6031. At present is it difficult to get to market?—The cost of freight is too great in proportion to the value of it.

6032. Do you think this line would eventually be extended to Ballan and Bacchus Marsh?—I am not in a position to say. But I can only say that if this line be constructed, I can guarantee 150 tons of loading a week. One other matter I may mention, that is with regard to a large portion of the district around where I reside; it is now passed into a state of grass lands simply from the fact of the cost of getting the produce to market being so excessive. Oats, for example, cost about 9d. a bushel to get them to market at Ballarat. If there were a railway station at Gordons, a man could take a load there, and back the same night.

6033. How long does it take them now?—Two days.

6034. *By the Hon. F. T. Sargood.*—You were asked whether this line was to go direct through by Ballan and Bacchus Marsh to Diggers' Rest?—I can only speak with regard to the service that this portion of the line would render to the district.

6035. In the event of this line being carried through to Diggers' Rest, where would be the market for the larger portion of the produce of Ballan—would it get to Melbourne or Geelong?—To Geelong I should say, a great portion of it; in my particular line of produce it would find its market up the country and Geelong.

6036. You spoke of wheat—would that find its way to Ballarat and up-country, or down for shipment to Melbourne?—I should think it would find its way down for shipment or for consumption.

The witness withdrew.

W. A. Zeal, Esq., examined.

W. A. Zeal, Esq.,
11th Sept. 1877.

6037. *By the Hon. Sir C. Staden.*—You are a civil engineer, I believe?—I am.

6038. And surveyor?—I am.

6039. Have you been in the habit of surveying for the purpose of railway lines?—I have.

6040. You know the country between Avoca and St. Arnaud?—Yes, I made a survey of it.

6041. Were you acquainted with the country previous to having made the survey?—Only in a general manner.

6042. That is, lately you made a survey?—Yes, within the last week.

6043. Would you inform the Committee what portion of the line you have surveyed; it is between Avoca and St. Arnaud, I understand?—Yes. I surveyed, in conjunction with Mr. Rawlinson, the line of country between Avoca and St. Arnaud, and between St. Arnaud and Dunolly. The latter route is now being surveyed by the Railway Department.

6044. That is upon the line contemplated to connect Dunolly and St. Arnaud?—On the line to connect Dunolly and St. Arnaud.

6045. The other line, I understand, has not been surveyed?—Has not been officially surveyed.

6046. That is known as the Avoca Valley line?—As the Avoca Valley direct line.

6047. Is that a direct line, as its name imports, between the two termini?—It is, as nearly as the physical features of the country will allow.

6048. Is much deviation necessary from the straight line?—Very slight.

6049. Would you be so good as to inform the Committee of the nature of the line commencing from Avoca, and so on through?—For the first twenty miles of the line the country is singularly level; in fact, the line will be constructed almost upon the surface.

6050. Without any engineering obstacle?—Without any engineering difficulty whatever; in fact, I may say that the line is not in any degree more difficult than the Deniliquin and Moama railway; it is almost a similar country.

6051. That is for the first twenty miles?—For the first twenty miles.

6052. Where does that bring us to—do you know the name of the locality?—It brings us to a settler's selection (Clark's) almost to the east of Stuart Mill.

6053. So far as that?—Not quite so far as that, but a little to the south of east of Stuart Mill.

6054. Upon this map it is marked Dalyenong?—Yes, but it goes to the south-west of this point.

6055. But up to that point it is a direct line, and on a perfect level?—Almost level.

6056. Then from there, is there any hindrance there?—From there it crosses the low range near the selection taken up by a man named Clark, and it crosses this range by a moderate cutting, which I estimate to be about 30 feet to 35 feet in depth at the apex of the cutting, or an average of something like 10 feet to 15 feet in depth through the entire length of the cutting.

6057. What length would that be?—About thirty to thirty-five chains in the length of the cutting.

6058. What gradient would that give?—A moderate gradient; not exceeding 1 in 50.

6059. It will be as much as that?—It need not be more than that; but I may state that, as the Government have adopted gradients of 1 in 50 on their lines and have constructed their locomotives to work those gradients, it is more economical to go through cuttings with that gradient than to make them lower and to pay the additional cost for the construction of those works.

6060. What deviation will this spur cause from the direct line?—As nearly as I could estimate, it would not exceed from a half to three quarters of a mile.

6061. Is that the only cutting?—After this range is crossed the line descends and crosses the Strathfillan creek—a creek leading down to the Strathfillan old pre-emptive section.

6062. Is there any difficulty there?—There is no difficulty whatever there.

6063. Is the ground level there?—The ground falls; it rises and it falls from the range to the Strathfillan creek.

6064. What distance might it be from the cutting, to which you were alluding just now, to the Strathfillan creek?—Probably from two to three miles.

6065. Would that be upon an easy gradient?—Yes; the gradient could be made whatever inclination is desired; there is no difficulty in the way.

6066. But towards Strathfillan it might be even less than 1 in 50; you say it is a longer run?—Yes; there is no difficulty whatever.

6067. And from Strathfillan on?—From Strathfillan Creek the line takes a northerly direction; that is for the purpose of providing for the settlement to the north, and in the immediate neighborhood of a place called Carapooce; it crosses the Carapooce Creek a little below the junction of the Western Creek—a creek on which there is considerable settlement—and from that point it takes a north-westerly direction and joins the present Government surveyed line from Dunolly to St. Arnaud.

W. A. Zeal, Esq.,
continued,
11th Sept. 1877.

6068. That is at what point?—That is a point immediately to the north of the parish of Moolok.

6069. Does the line go through Carapooce, or only towards Carapooce?—It leaves Carapooce slightly on the left—it is to the east of the township of Carapooce.

6070. Carapooce, upon the map that I have before me now, appears to be exactly in the line of the Dunolly connection?—Yes; that is the Carapooce district.

6071. Do I understand that the Avoca line joins the Dunolly line there?—It does.

6072. And then afterwards it takes the same course as the Dunolly to St. Arnaud line?—As the present surveyed Dunolly and St. Arnaud railway.

6073. Is there any difficulty about that line in construction?—None at all.

6074. Perhaps we should measure difficulty by expense?—Yes, and by comparison.

6075. But, as a question of measuring difficulty by expense, is it an easy line to make should you say?—Yes.

6076. Or a difficult one?—It is considerably below the average of cost. I estimate it to be considerably below the average of the difficulties which have been found upon the light lines which Governments have recently constructed.

6077. Have you had time, or have you directed your attention to forming any approximate estimate of what such a line would cost per mile?—Yes, I made an estimate from an examination of the country, which I think is a reliable one—at all events, I feel sure it would be sufficient to provide for all contingencies.

6078. That is to say, within a given sum per mile?—Yes; I have estimated the line to cost under £6000 per mile.

6079. Does that include the construction merely, or does it include stations and rolling-stock?—Stations and rolling-stock—the portion of rolling-stock necessary for the line.

6080. Would that be taking the same data as are usually taken for Victorian Government lines in making estimates?—Yes.

6081. That is under £6000 a mile?—Under £6000; and the principal reason of that is, that the first twenty miles is of such a very light and easy character.

6082. That would be at a minimum—possible, I suppose?—Yes; I may state that the line between Deniliquin and Moama has cost under £3000 a mile—that includes everything—and this line is not in any way more difficult than the Deniliquin and Moama line.

6083. Could a line similar to the Deniliquin and Moama line be constructed from the first twenty miles from Avoca at the same cost?—It could, with this exception, that the Government works are of a more permanent character than on the Deniliquin and Moama line; but the Deniliquin works are sufficiently strong and durable to stand any traffic that the line may be subjected to.

6084. Upon which kind of construction is your estimate based—upon that of the Victorian railways generally, or that of the railway you speak of now?—Upon the Victorian railways generally.

6085. Would you have the goodness to inform the Committee of the distance on this direct line between Avoca and St. Arnaud?—The distance on the direct line, as the crow flies, would be 33 miles 70 chains 59 links.

6086. Under 34 miles?—Yes.

6087. That is as the crow flies?—As the crow flies.

6088. Now I would ask you what further distance would be due to the deviation that you have alluded to?—My estimate was one mile and ten chains. I made it 35 miles from point to point.

6089. That makes the odd chains?—Yes, one mile and a furlong.

6090. Had you an opportunity of forming an opinion of the range of hills on your left—on the west going from Avoca to St. Arnaud?—I presume you mean the Pyrenees?

6091. Yes?—Yes, I have been over the district frequently.

6092. You know them?—I know that district well.

6093. I would like to ask this question—I do not know whether you are in a position to answer it—do you know anything of the western side of the Pyrenees?—Not much of the western side.

6094. Supposing there were population upon the western side of the Pyrenees—could you inform the Committee whether that population would have access to the Avoca Valley line as surveyed by you?—It would come round by the Pyrenees, or across them.

6095. That is to say, the Pyrenees would be a barrier direct east and west?—Yes; east or west.

6096. But that would command Avoca or St. Arnaud?—Yes.

6097. That is, they would have to go either to the one or to the other?—Precisely.

6098. Did you notice as you passed along this line whether there was much population?—Yes, there is a very considerable settlement from Avoca to a point north of Natte Yallock—in fact the whole of the river is taken up by settlement and farms, and a very considerable amount of cultivation.

6099. Does the line that you propose go by the township of Natte Yallock?—It leaves it about five miles to the west—Natte Yallock is eight miles to the east of the line—that is, the centre of the township.

6100. So that the line, as it is there, is in a direct line between Avoca and St. Arnaud, as a bird would fly?—Precisely.

6101. Do you know anything of the surveyed line between Dunolly and St. Arnaud?—As being surveyed at the present time?

6102. Yes, the Government line which it has been proposed to carry out?—Yes.

6103. You have been over that?—I was over it last week.

6104. How does that compare in point of facility of construction with the one you have been describing?—It would be a much more expensive line than this, and the natural physical features of the country are much more difficult than upon this line.

6105. Do you know the distance from your own knowledge?—Not from my own knowledge.

6106. Would the cost per mile upon that be greater than upon the other?—It would.

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6107. Would the cost of maintenance and repair be greater upon a line with easy gradients upon a country easy of construction, or upon one where the gradients were steeper and more severe?—Upon a line easier of construction the cost would be much less.

6108. I mean for constant maintenance of the railway from time to time?—Yes, and for working expenses.

6109. Evidence was given the other day by a professional witness that, when a line is once constructed, it is as easy to repair and maintain one as another, because the construction is supposed to put it all upon a level—do you agree with that view?—No, it is quite the reverse of practice; the wear and tear upon the rails is constant—the friction is very severe where gradients and curves occur, and the consumption of fuel is very much greater upon an undulating line than it would be upon a line upon a level.

6110. Therefore, in determining between two lines as a matter of future expense, you would prefer, *cæteris paribus*, to make the one which is upon the ground which is more naturally adapted to it?—Yes.

6111. More easy of construction?—Yes, I should.

6112. Could you tell, from the short visit you had, whether either line is equally well furnished with ballast?—From personal observation, I am of opinion that the Avoca and St. Arnaud line is far better supplied with ballast than the one between Dunolly and St. Arnaud—that is from the indications upon the surface, and from the material which we saw in the locality which would be suitable for ballast.

6113. Did you notice any remarkable engineering difficulties upon the line between Dunolly and St. Arnaud?—No, none at all to compare with anything to be found upon the original Government lines—nothing whatever.

6114. But I think I recollect that—when evidence was given before with regard to the line—there is some Mount something, near Bealiba, where either a great deviation is necessary or a great cutting?—I was speaking of Avoca and St. Arnaud.

6115. I beg pardon. I took between Dunolly and St. Arnaud?—Upon the line between Dunolly and St. Arnaud, in the neighborhood of Bealiba, the cuttings will not be so severe nor so expensive as on the original Government lines; but still they will be very heavy, and, for a light line, very costly; the line there forms a succession of curves and gradients, and passes through spurs of country leading down from Mount Bealiba which would be costly to construct and cut through.

6116. Are those curves at an unusually short radius?—I believe not. Of course, they are more severe than on the original Government lines; but modern practice has enabled engineers to use curves, comparatively severe now, which would not have been adopted in years gone by.

6117. Could you give an idea from what you saw of the surveyed line between Dunolly and St. Arnaud, of what might probably be an estimate of the cost per mile comparing it with the one you have given of the other?—I do not think it could be constructed for any less sum than that which the Government have declared to be necessary for those lines, viz., £6500 a mile, if it could be constructed for that; and I say this from having examined this part of the country between Dunolly and Mount Bealiba, and the crossing of the Avoca River at a place called Emu Bridge, we found there flood marks extending over the country for a length of very nearly three-quarters of a mile; and from the drift-wood in many places it was apparent that water had submerged the flats to a depth of between 4 feet and 6 feet, showing that unusual and very costly provision would have to be made to enable the Government to cross that Avoca Flat successfully.

6118. How would that be made?—By a long low viaduct.

6119. What distance?—The submerged portion of the country, that flooded portion extends over a distance of three-quarters of a mile. I obtained this information from examining the Government pegs, as fixed by the Government surveyors; and I am prepared, if necessary, to give the points upon the line so that this can be verified, to see whether the statement is reliable or not.

6120. If you please; that will not be going into great detail—not unnecessary detail?—It would take some little time.

6121. Very well. The question I wish to ask was, as comparing the expense of the two lines—is there such a difference in the features of the country as that one could be done at a less cost than the other?—Yes, there is.

6122. Which would be done at a less cost?—My estimate for the Avoca direct line is £202,500; and my estimate for the Dunolly and St. Arnaud line is £204,312.

6123. Then what mileage have you calculated for the Dunolly and St. Arnaud line?—The Dunolly and St. Arnaud line is 33 miles 10 chains.

6124. And the other I think you said was—?—35 miles.

6125. That is including the deviations necessary to cut that spur?—Yes.

6126. *By the Hon. Dr. Dobson.*—When did you make this survey?—I stated just now, last week.

6127. What day did you go there?—I started on Thursday—I think I left on Thursday and got there Friday.

6128. On Thursday night?—No.

6129. On Friday?—On Friday.

6130. Did you do any work on Friday in this survey?—I was examining the country while I went up.

6131. Did you leave Avoca on the Friday to go along the line you have been giving an account of at all?—I do not know whether it was Friday or Saturday.

6132. Were you only one day upon it?—Three days.

6133. What days were they?—Saturday, Sunday, and Monday.

6134. You were surveying on Saturday, Sunday, and Monday?—Yes.

6135. How long, of those three days, did you give to the line between Avoca and St. Arnaud?—We started from St. Arnaud about half-past six in the morning, and we got into Dunolly about a little after four; and we walked the greater portion of the way, where any difficulty occurred upon the line which it was desirable to notice.

6136. And did you give a longer time to the Avoca and St. Arnaud line than you did the Dunolly and St. Arnaud line?—Naturally so; because the one is a surveyed line, the difficulties of which were estimated by the department, the other was a line I was sent up specially to survey.

6137. For what distance upon the Avoca and St. Arnaud line do the Pyrenees run almost parallel with the line?—The Pyrenees are a very long distance from the Avoca and St. Arnaud line.

6138. But in the given direction that the proposed line would take?—From a point ten or twelve miles north from Avoca. W. A. Zeal, Esq.,
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6139. For about ten miles out the Avoca line is bounded on the westward by the Pyrenees?—Yes.
6140. At what average distance from the line?—Perhaps ten to fifteen miles.
6141. Never nearer?—Of course it may be a little nearer, but I should say that was the average distance. This line, I may state, is very considerably to the east of the line originally surveyed by the Government.
6142. Do any of the creeks or streams from the Pyrenees cross the line that you surveyed?—Yes, a creek called Cherry-tree Creek comes down from that direction.
6143. Is that the only one?—That is the only one of any importance; that is, a very inferior creek as far as capacity and size go.
6144. Could you tell whether that creek was liable to be flooded or not from any indications of the country?—Yes, to a certain extent.
6145. Would you require to bridge that creek?—Yes.
6146. What extent of embankment or viaduct on each side would you require?—Two or three chains in the middle; that would be the maximum.
6147. On each side?—No, two or three chains altogether.
6148. Of embankment or viaduct?—Viaduct.
6149. So as to give a waterway underneath?—Yes.
6150. The others could be done by culverts?—Yes.
6151. Did you form no estimate of the number of culverts you would have to make?—Yes, we allowed four per mile; that is more than enough.
6152. More than ample?—More than ample.
6153. More than ample for this particular country?—Yes.
6154. Do you think that once going over the country in that way is sufficient to enable you as an engineer to form an estimate of the cost?—It would not if it were a difficult country, but as it is not a difficult country, the time was quite ample I am quite sure.
6155. I believe you have been in the habit of being consulting engineer for contractors in this country?—Yes, a great deal.
6156. From such information as you got there, would you be able to advise a contractor as to what to tender at?—Yes, if I were a contractor I would undertake to make a railway now, between Avoca and St. Arnaud for the price I have now named to this House.
6157. That is under £6000 a mile?—That is under £6000 a mile. Under £6000 a mile.
6158. As to the ballasting—you say you only said local indications, and that of course could be only within range of the eyesight as you went along the line?—Precisely, but that was quite determinate and reliable.
6159. Do you find it everywhere throughout the line, or in patches?—Practically it is spread over the whole district.
6160. What is it, gravel?—Gravel, and stone, and slag, and schistose material of various kinds, decomposed granite in various places.
6161. Does decomposed granite make good ballast?—Yes.
6162. If it is not too far gone?—Yes. I should say, that upon this line too there is an abundance of very superior red gum and ironbark, that is very much used upon the Government lines, and which is not to be found upon the Dunolly and St. Arnaud line.
6163. Are you sure of that—for my impression of the evidence on the other line is that, within a few miles of the line proposed by the Government, there is a large supply of red gum. I think it was described as a little to the west of the Emu?—That is the spot upon the Dunolly and St. Arnaud line where the red gum occurs, and it is upon the valley of the Avoca; whereas upon the Avoca and St. Arnaud line, there is a continuous length of some twenty miles of river, from which a supply could be drawn.
6164. In a short line of this distance, twenty or thirty miles, the carriage of the timber and ballast is not very expensive when you have once got it upon a truck; with the contractor's engine, it is not much more expensive whether you have a load of one mile or five?—No, not upon that particular line, it would not add much to the cost. But this would enable the Government to obtain a vast supply for other works.
6165. You are speaking of the timber market?—I speak of the advantages altogether that would accrue to the Government if this line was made.
6166. In surveying the Deniliquin and Moama line, do you know what the weight of the rails upon that line is?—Yes; they are very light—too light.
6167. Lighter than the Government here would sanction?—Yes.
6168. Are you aware that the New South Wales Government have refused to approve of the Deniliquin and Moama line, on account of its faulty construction?—No; I know the Engineer-in-Chief, Mr. Whilton, refused to give the contractors their certificate, because the works were constructed in a rough manner; and I was asked by the directors to examine the works, having been one of the projectors and engineer to the company; and I gave them a report as to the safety and efficiency of the works in question. I found the works were more than ample for all requirements.
6169. I think you said the steepest gradient would be 1 in 30?—No; not exceeding 1 in 50.
6170. Would there be any cuttings more than 15 feet in that?—I think the cutting in Clarke's Gap, at the apex, would be, at the maximum, about 35 feet; but that would represent the apex of a triangle, the average would be only 10 feet.
6171. Is that the only cutting—Clarke's Gap?—No; but that is the only expensive cutting.
6172. Of course, you did not sink any trial shaft in the cutting, to find what was there?—No; we estimate it to be rock.
6173. What sort of rock?—Of a quality equivalent to two or three times the cost of ordinary earthwork.
6174. There is granite about there, you say?—Yes, but this is not a granite range.
6175. Not granite?—No.
6176. Are there sufficient geological indications about to enable you to judge?—Yes; the surface is strewn in places with stone.

6177. Could you see any section at all—any escarpment?—No.

6178. This, then, was mere guesswork as regards the big cutting?—Yes, the guesswork of an expert. I should not say that, unless I had reasons for arriving at the conclusion.

6179. But those reasons, as I understand, are simply drawn from surface stone?—Yes, precisely. And I may say that I have laid out some hundreds of miles of railway, and given estimates; and I think I can undertake to say that I could give a reliable estimate.

6180. Would it not have been more satisfactory to sink a trial shaft there?—Certainly.

6181. And you have only allowed double the price for removing earth?—Double or treble for removing earth.

6182. Is that a safe allowance to make?—On this occasion, we have estimated that the material taken out would repay the cost in the provision of a large quantity of ballast.

6183. That rock cutting is sometimes very expensive work?—Yes.

6184. Do you know the Mount Eagle cutting, at Heidelberg?—Yes.

6185. Were you professionally engaged in that at all?—I was not.

6186. Have you any idea how much a cubic yard or running yard will cost?—I could not tell the quantity.

6187. Knowing the quality of the rock there, do not you think it would cost from twelve to thirteen times the price of moving earth?—I daresay; but at the railway cutting at Sunbury it did not cost anything like that amount.

6188. Was not that a soft rock?—No, solid bluestone rock; the contract price of the Sunbury cutting was 4s. 6d. the cubic yard, and that was let in the year 1857, and that paid the contractors very well. The Porcupine (the most difficult cutting in the country upon the Mount Alexander line) was let to the contractor for 5s. 6d. a yard, and that on account of the ballast they found in it paid them—it did not pay them much, it is true, but it paid them.

6189. *By the Hon. H. Cuthbert.*—Then, as I understand you, for the first twenty miles upon the new line that you surveyed, recently, there are no engineering difficulties in any way?—There are none.

6190. The ground is almost level?—Yes, comparatively level.

6191. And what is your estimate for constructing those twenty miles?—I have put the first twenty miles at £5250 a mile, and the remaining fifteen miles at £6500 a mile.

6192. So that the engineering difficulties would be greatly increased in the remaining 15 miles?—The quantities of earthwork and rockwork are increased, but there are no engineering difficulties upon the line, there is only a certain amount of material to be removed.

6193. Some deep cuttings?—Comparatively deep.

6194. The deepest that you estimate—at about 35 feet?—At the apex, the average of that cutting is from 10 feet to 15 feet.

6195. You had a very short time to do this work; did you go into it with great care and accuracy?—Yes.

6196. I suppose you had about 64 miles to travel during the three days?—Yes.

6197. Were you walking most of the time?—Walking or riding, but we walked the whole distance wherever the country required examination.

6198. One of the witnesses, who was examined here, stated that it was almost impossible to travel over this line—would you agree with him?—No, he could not have gone over the line, if he said that.

6199. He said it was possible to ride or walk over it, but almost impossible to drive over it?—Inasmuch as we drove an express wagon, with four people in it, over the most undulating portion of the country without any difficulty, it is evident that he could not have known what he was talking about.

6200. You did not take out quantities in making the estimate?—No; I did precisely in making this estimate what I did when I was in the Government service, and what I did in making the Deniliquin and Moama line, which is the usual method engineers adopt in making a first estimate.

6201. What did you put down the works of construction at?—I have not here provided for the details—I estimate the cost of the works at a certain amount from observation on the line, but I am not prepared—

6202. Can you give me the cost of the permanent way, including rails and fastenings—rails and sleepers?—I took the Government figures for all those things.

6203. You assume the Government figures are right?—Yes.

6204. You adopt Mr. Higinbotham's estimate of the cost of the line as correct—do you?—No; I adopt the estimate of the department for this kind of work.

6205. But, if you did not go into them in detail, how could you tell the sum total?—Because the officers of the department could not tell till they examined the ground the difficulties they would meet with, whereas the cost of the permanent way, and such like, are constant quantities—they are not varied by either place or circumstance.

6206. Surely you cannot arrive at a proper estimate without going into details—have you not first of all to get the cost of works of construction?—By that I suppose you mean earthworks and bridges, viaducts, and so on, along the line?

6207. Yes?—I estimated four large culverts per mile; and I estimated the crossing of the Avoca, at Nott's, at a certain figure; and the crossing of the Cherry Tree Creek, and the Strathfillan Creek, and the Carapooee Creek, and the Western Creek, at certain sums.

6208. Can you give the sum total of the works of construction?—I have given you my estimate of the cost per mile, but not the details—I could give you an estimate of the cost of the Avoca Bridge, for instance, because I arrived at that difficulty.

6209. What have you allowed for stations and sidings?—I said I took the Government figures for quantities, and at so much per mile those do not vary upon any line.

6210. You differ altogether from Mr. Higinbotham's estimate; you make the cost of the line more than he does from Dunolly. I want now to test how you come to the conclusion that he is wrong and that you are right?—I did not say that I differ from Mr. Higinbotham at all—in fact, you were asking me just now the cost of the Avoca and St. Arnaud line, and now you go to the Dunolly and St. Arnaud line. I was not speaking of the Dunolly line at all. I spoke of the line from Avoca to St. Arnaud.

6211. You are right, I am upon that line. I want to know if you took out the items and can give the Committee the particulars of the cost of the works in the construction of the railway in detail?—I cannot in detail. W. A. Zeal, Esq.,
continued,
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6212. What did you allow for rolling-stock?—I mentioned twice before that I could not supply you with details. I took them at the Government estimate.

6213. I thought you might have allowed a certain sum per mile for rolling-stock?—I took the Government's figures as constant quantities.

6214. What did you allow per mile—do you know what the Government allow per mile for rolling-stock?—I allow an average of £5785 per mile.

6215. That is the total, but I want the amount for rolling-stock?—I am not prepared to give the rolling-stock, but you can satisfy yourself by looking at the Government estimate.

6216. I know what it is, but I want to get it from you?—I state that I am not making a random statement here. I have made my estimate from an engineering experience of something like twenty-five years in the colony, that I have very considerable experience in constructing railways, and that I know what I am talking about.

6217. I daresay, and therefore I want to test your knowledge. What have you allowed for the engineering expenses in the construction of the line?—Engineering expenses amount to 10 per cent.

6218. What have you allowed for the cost of land?—I cannot give more than I have stated. I have not got those details. I have gone over the line, and have made a careful general estimate from a personal survey of the line; that is all I can give to this House. That estimate I am fully and firmly convinced is reliable; the cost would be within the sum named by me.

6219. Is the projected line intended to run through private property or not?—A considerable portion of it would run through private property.

6220. What figure have you put down for the cost of purchasing land?—I repeat once more, that I am not prepared to give any details.

6221. Have you prepared for the Committee any plans showing this line projected by you?—Yes, I have a plan here; it has private memoranda upon the sides, but I have no objection to the Committee taking the plan.

6222. But I mean plans to hand round to the different members; you have not a number of different plans prepared, have you?—No; but practically this line in blue—[*producing a plan*—is the line we followed—[*a plan was handed to the honorable member*].

6223. There are some notes upon this, are they private?—You may read them, I have no objection to that. It is only notes as to statistics and population and settlement, and such things as that.

6224. And the line is straight as it comes to Avoca?—Comparatively straight.

6225. And then there is a little deviation?—Yes.

6226. That is where the engineering difficulties begin?—There are no engineering difficulties upon the line.

6227. Heavy cuttings?—None heavy—a few light.

6228. Spurs and mountainous country to be passed?—No, no mountains at all.

6229. What are they—ranges?—Yes, light ranges. I may say that you know this country near Creswick very well; it is not nearly as difficult as the line between Creswick and the racecourse at Ballarat; in fact, the difficulties between the racecourse at Ballarat and the town of Creswick would exceed the difficulties to be found anywhere upon this line.

6230. As far as regards the number of people to be served by this line, you have had no opportunity of forming an opinion?—I had an opportunity of making use of my eyesight; I could see that there was something like five times the population settled upon this line that there is upon the Dunolly and St. Arnaud. In fact, between the old Dunolly pre-emptive and Bealiba there is scarcely any settlement whatever, and between the Emu Creek and Carapooee Creek we only saw, I think, one farm upon the whole distance upon the Government line.

6230A. Upon the Dunolly line, are not you aware that there is to be a station at a place called Emu?—Yes, at least I presume the Government would have a station there.

6231. Are not you aware that there is a vast amount of settlement to the north of Emu, for nearly 60 miles?—Yes, there is a considerable settlement there, but 60 miles off the line they would be served by the Inglewood line; they would not make use of this line, it is too far north for that.

6232. I need not go to 60 miles, but even for 30 miles, would not the people be served by that line?—No, certainly not, because they would go down by the Inglewood and Sandhurst line.

6233. Four or five witnesses have stated here that it would be of vast advantage to the people settled there—do you mean to say that their evidence is incorrect?—I mean to say that, if I were a settler, I should not make use of the railway there, because it would be carting the material three or four times the distance.

6234. If you were ten miles from Emu would you use it?—Certainly I should.

6235. Or fifteen miles?—Yes, or even fifteen—that would be a point about midway between Emu and Sandhurst.

6236. Might I ask the total amount of your estimate for constructing this line from St. Arnaud to Avoca?—£202,500.

6237. And Dunolly?—And Dunolly, £204,312.

6238. Mr. Higinbotham has made out the cost of the Dunolly line £195,500, and he gives particulars to the Committee?—Yes.

6239. Do you, from your slight opportunity of inspecting the ground, set your opinion forth as more correct than his?—Mr. Higinbotham's opinion is based upon the line as it was surveyed; my estimate is based upon the line now being surveyed; and I do not think Mr. Higinbotham has estimated that. I would say that, if that is the case, it shows I have used a great amount of caution in estimating the work, because I have adopted the same principle in both cases. If I have exceeded in one case I have in the other.

6240. That does not follow?—It may not follow from your point of view, but as a matter of fact that is how I estimated the work.

6241. *By the Hon. N. Fitzgerald.*—Do you know anything of the present lines between Maryborough and Avoca and Maryborough and Dunolly?—Yes.

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6242. Upon which line are the gradients steeper?—I may say, that I fancy that the gradient coming into Avoca is as steep as any upon the Dunolly, but I do not know that it is much steeper.

6243. Do you think the character of the lines is about the same—is not Dunolly a perfect flat to Maryborough?—Oh, no; coming to Dunolly itself, you can see a great descent on the line.

6244. You are not aware whether there is any remarkable difference in the gradients?—There are no great difficulties upon either line—there are descents and ascents.

6245. *By the Hon. J. Balfour.*—Did you follow up the Avoca line at all north of Emu—did you see anything of the population upon the Avoca River north of Emu?—No, we did not.

6246. I think you said that the population north of Emu, if I understood you rightly in answer to the Honorable Mr. Cuthbert, for a certain distance, would use the Emu station if there were a line between Dunolly and St. Arnaud?—Yes.

6247. But at a distance of sixty miles they would use Inglewood?—Yes, the settlers residing anything beyond fifteen miles, in my opinion, would use Inglewood.

6248. Would not a portion of that population find it as convenient to go to St. Arnaud as to Emu?—Yes, they would go to St. Arnaud—they would go to Karup station if it was made.

6249. Now, supposing a line existed between Dunolly and St. Arnaud, a part of the population round Emu and north of Emu would use the Emu station?—Yes.

6250. But if you follow up northwards, still up to Korce, and so forth, would it not be as convenient to the population to use the St. Arnaud station—where would it commence to use St. Arnaud?—About at a limit of fifteen miles.

6251. At a further distance they would use Inglewood?—Yes.

6252. What direction does the Avoca River take after it leaves Korce?—A northerly direction.

6253. Direct north?—Not quite—not directly north.

6254. There is settlement along the Avoca?—Yes, there is down by Charlton and that neighborhood.

6255. You were asked a good deal about the details of construction. Now, for my own information as well as others, I would like to get a clearer understanding of your answer about that. How do you base your estimate at the rate you have given—£6000 a mile—you did not give details, you see?—No.

6256. Would you kindly tell us?—From going over the line an expert would classify the various works under certain headings, and he would tabulate the results as he goes along; of course this estimate would not be so reliable as an estimate founded upon the actual taking out of quantities; but any prudent man would make in this preliminary survey such an estimate as would cover contingencies—he would put down a certain amount for contingencies, and if he understood his business at all, that would more than cover the exigencies he might meet with.

6257. For heavy work, such as viaducts and so on, do you make a more particular estimate?—Yes, I estimated all the bridges. At Avoca, for instance, I took the bridge crossing the Avoca River at Nott's, and that gives a waterway of 1750 superficial feet. Our estimate of that upon the railway was 4000 superficial feet, about two and a half times as large; and at the Avoca River at Emu we made the estimates from the drift-wood and flood-marks we found upon the ground.

6258. In the same way as you estimated what sort of viaduct would be necessary upon the Dunolly line?—Precisely.

6259. By looking at the flood-marks?—Yes.

6260. In regard to rolling-stock and so forth, you assume the Government estimate to be correct?—Yes.

6261. In all the fixed quantities you add that to your estimate?—Yes.

6262. Did you form any comparative estimate of the two bridges—the bridge at Avoca upon the direct line, and the bridge you speak of as being necessary, where there is three-quarters of a mile of flood shown at Emu?—Yes. My estimate of the bridge over the Avoca, upon the Avoca and St. Arnaud line, would be a cost of £2000—that is a pile viaduct; and the crossing of the Emu Creek would be £9075.

6263. Then you speak of the population in a general way I understood you to say?—Following up that, I would just wish to explain that, at the Emu Creek bridge, the Avoca drains something like 500 square miles of country more than it does up at Nott's, at Avoca; and that is the reason why a greater cost is required.

6264. Then you consider that even though the cheaper bridge might be put up, it would not be sufficient, on account of the large quantity of land drained there?—You require much greater water-way—much wider.

6265. So that if a cheaper bridge is in contemplation in the Government line than that, you would not think it sufficient?—I do not think it would be prudent.

6266. You spoke of the population; I suppose you have nothing but a general idea from such a short visit?—No.

6267. Have you much knowledge of the country beside your late visit?—I know the North-East Province pretty well; I have lived in it many years.

6268. Your estimate of the population being so much larger upon the one side than the other is formed, how—is it from general observation?—From what I saw on the spot; for instance, there can be no mistake about the number of farms up the river from Avoca to Natte Yallock, and that contrasts in the most marked manner with what I saw on the line from Dunolly to St. Arnaud. In fact, there is no settlement whatever from Emu Bridge to the Carapooce Creek; it is a barren sort of country.

6269. But of course there is population at Archdale, and all that part of the line?—Yes, upon the river.

6270. Is not the population great there?—Not so great as Natte Yallock.

6271. And westward, upon the western side of the projected line, is there much population?—No, not a great deal.

6272. Westward of the Avoca direct line?—There is the township of Stuart Mill and of Red Bank, and many little hamlets at the base of the Pyrenees, upon the eastern side.

6273. Farms?—Yes; and down towards Percydale.

6274. *By the Hon. Sir C. Sladen.*—Is the survey which you made the other day such as engineers in the Government employ would make for the purpose of giving an estimate of a projected line?—It is.

I might state that some years ago I was sent by the Government, I think in Captain Clarke's time, to make an estimate of the cost of a line. Mr. Watson and myself were instructed by Government to estimate the cost of a line from Kilmore, going across to Sunbury, and we adopted precisely the same mode of advising the Government as to the cost, as I have done upon this occasion.

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6275. Do you consider this to be a hasty survey?—Yes, what would be called a preliminary survey.

6276. Still, from your experience in connection with the Victorian lines generally, it has been done with as much care and circumspection as is usual in forming an estimate for a projected line?—Precisely, and in proof of that, I may say I am apparently above Mr. Higinbotham in my figures in the cost of the line from Dunolly to St. Arnaud. If I err, I like to err upon the safe side, not to under estimate the cost.

6277. Supposing Mr. Higinbotham to estimate the line from Dunolly to St. Arnaud at £195,500, and you made your estimate upon the same principle—if your estimates of the cost of the line between Dunolly and St. Arnaud were reduced by £5000, a corresponding reduction would have to be made in your estimate of the cost from Avoca to St. Arnaud?—Precisely. I informed the House just now that the Deniliquin and Moama line cost about £3400 per mile. I estimated the cost of the works as £5000, so as to be quite safe in my estimate of the cost of the line.

6278. *By the Hon. W. Wilson.*—I suppose you have come to give evidence more from an engineering point of view?—Yes, entirely from an engineering point of view.

6279. As to the cost of construction of what is known upon the plan handed to members of the Committee as the Avoca Valley line?—Yes.

6280. You have followed that line as nearly as possible?—Yes.

6281. You worked out, I apprehend, the cost per mile it would take to construct from Avoca to St. Arnaud?—I did.

6282. The outcome of it was £202,000?—£202,500.

6283. And did you work as correctly out what you would consider the cost per mile of the construction of the line from Dunolly to St. Arnaud?—Yes, I may say, that I did precisely what I would do if the Government engaged me as engineer to estimate the cost of a line of railway between two points. I should give them, to the best of my ability, my idea of the cost of the line from a preliminary survey.

6284. And the difference in value of the construction of the two lines amounted to about £1500?—About £2000.

6285. But you heard, of course, the estimate that the Engineer-in-Chief had valued the construction of the Dunolly and St. Arnaud line at?—Yes.

6286. One hundred and ninety-five thousand pounds?—Yes.

6287. Would you require to reduce your estimate to correspond with that?—I think the Engineer-in-Chief is in a better position to give the details than I am, but I think the margin is so small, that I would rather take the higher sum to provide for contingencies.

6288. As far as the construction of the line connecting St. Arnaud with Dunolly or Avoca is concerned, it is of very little moment as far as cost goes?—Very little.

6289. One could be constructed as easily or as cheaply as the other?—Yes.

6290. Any choice of route would depend a great deal upon other circumstances?—Yes; but the working of the Avoca line would be much less than the other, inasmuch as the gradients and curves are less. Twenty miles of the line are practically level, and could be worked with a very small head of steam, and would require very little fuel for that portion of the line.

6291. *By the Hon. F. T. Sargood.*—Do I understand you to say that you know very little of the country west of the Pyrenees?—Yes.

6292. I think you also said the population west of the Pyrenees would either have to go to St. Arnaud or Avoca?—Yes, or Ararat probably.

6293. But as far as this is concerned, they would go either to Avoca or St. Arnaud?—Yes; I imagine they would use the Ararat station.

6294. They would not cross the Pyrenees to come to this line?—I hardly imagine they would.

6295. Then we have to deal with the population lying in the triangle between Avoca and St. Arnaud and Dunolly?—Yes.

6296. That being the case—taking a radius from Avoca of ten miles—you embrace the whole of Natte Yallock?—Yes; the whole of Natte Yallock would use this line.

6297. Would they use the Avoca and Maryborough line?—No; it would be a very difficult country to take produce across.

6298. From Natte Yallock to Avoca?—Yes; unless they wish to cart the produce all the way, and not make use of the railway.

6299. Where do they take the produce now?—Of course they go to market where produce commands a higher price; if produce is higher at St. Arnaud, they go to St. Arnaud, and, on the other hand, if the market is higher at Ballarat, they go there. You cannot drive it into a channel; it would be regulated by the price at various markets.

6300. But as a fact, now they use either Avoca, Maryborough, or Dunolly stations?—Yes, but they would hardly come to those places if a railway would diminish the distance.

6301. No, but taking the lines as they now stand?—Yes.

6302. A radius of ten miles south would be also within reach of St. Arnaud station?—Yes.

6303. So that there is a gap of about fifteen miles along the Avoca Valley that we have to provide with railway accommodation?—Yes.

6304. What is the distance between your line and, say, the Emu Creek station?—I think about eight miles.

6305. Then, assuming the Dunolly and St. Arnaud line to be constructed, these fifteen miles upon the centre portion of your line would be within eight miles of a station upon the Dunolly line?—Yes, but the country is very rangey there.

6306. As far as the distance is concerned, it is only eight miles?—Yes; but added to that is the country again to the west, bounded by the Pyrenees.

6307. What is the distance between your line and the Pyrenees?—An average of, I think, about ten miles.

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6308. What is the population?—A considerable population in the valleys leading down from the Pyrenees.

6309. But speaking now of the fifteen miles at the centre of your line?—There is a considerable settlement in those valleys that lead down from the Pyrenees.

6310. Speaking now of the north of Red Bank, between Red Bank and Stuart Mill?—Yes.

6311. Is there a population there to the west of your line?—Yes, upon the different settlements there is.

6312. Have you any notion of the population?—No, I could not state the amount, but I fancy the House has been supplied with that information from the returns of the shire.

6313. Then so far, that population would be an average distance of about how much—a maximum distance of fifteen miles from Emu Bridge?—No, considerably more than that.

6314. What is the average?—I should say an average distance of eighteen miles.

6315. But on the contrary, Emu Bridge would be a convenience to a population fifteen miles north and north-east, I think you said?—That would be the maximum; after the fifteen miles they would go either to St. Arnaud on the one hand or Inglewood upon the other.

6316. Upon the whole, Emu Bridge would give greater facilities to a larger number north and south than your line could possibly do?—No, I hardly think that, inasmuch as Emu Bridge would not give anything to the population at the base of the Pyrenees.

6317. True, but it would provide for fifteen miles north and north-east, and fifteen miles south and west?—The same argument applies to this line.

6318. I am aware of that; but I want to know whether the population on the west is denser than the population to the north?—Yes, I should say decidedly so about Stewart Mill.

6319. *By the Hon. R. Simson.*—What is the character of the country between Avoca and St. Arnaud, as regards soil—is it poor grazing soil, or good grazing soil, or agricultural soil?—It is both—it is a sandy loam. With the aid of water any amount of wheat might be grown there, but it requires irrigation. It would grow much the same quality of wheat as the plains below Sandhurst—it is much like the same country.

6320. Is much wheat grown there?—There is a considerable breadth of crop, but this year the crops are so stunted, we could not form an estimate of the capabilities of the country.

6321. What is the character of the land from St. Arnaud?—A light sandy loam.

6322. There is no difference between the two lines as to quality of the soil?—All that bordering upon the Avoca Valley line is quite a different soil.

6323. That is upon the banks of the river?—Yes, for twenty miles the soil is superior on the Avoca and St. Arnaud line, with the exception of the crossing at the Emu and Bealiba.

6324. Which line do you consider has most cultivation?—A great deal more upon the Avoca and St. Arnaud.

6325. More settlement there than upon the Dumolly and St. Arnaud?—More settlement by far.

The witness withdrew.

OUTER CIRCLE LINE.

Thomas Higinbotham, Esq., further examined.

T. Higinbotham,
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5326. *By the Hon. H. Cuthbert.*—Mr. Higinbotham, I wish to ask you a few questions about the Outer Circle line. Can you tell me when the survey for the Outer Circle line was first made?—I think about the end of 1873; in the latter half of 1873 I think the preliminary survey was made; in the end of 1874 the line was permanently set out.

6327. By whom was it permanently set out?—It was set out under the direction of Mr. Darbyshire.

6328. Do you remember the name of the officer that was engaged upon that work?—I do not; I was in England at the time.

6329. Can you tell me, in the original survey, what was the number of crossings?—No; there would be very little difference between the number in the original survey and in the permanent survey; the route is, though not exactly the same, very nearly the same.

6330. But the difference would be very slight?—I do not think it could be at all considerable, if there were any difference at all.

6331. Can you tell me how many streets—about how many streets would be crossed by the Outer Circle line?—Streets and roads?

6332. Streets and roads?—The total number is 25 crossed on the level.

6333. Thirty-five?—25.

6334. I do not mean level crossings, but crossings—streets and roads?—Streets and roads; what we call public level crossings.

6335. Are there, in addition to that, any private crossings?—There may be, but that is a matter of agreement at the time when the valuation of the land takes place.

6336. I may tell you, the reason that I ask the question is, that I understand, in the original survey, that there were no less than 107 crossings?—That must be quite a mistake.

6337. That is a mistake?—Quite.

6338. And the statement you have given to the Committee, as to the number 25, you are confident is correct;—I believe it to be quite accurate.

6339. Now I want to ask you another question. Supposing the Hobson's Bay Company were to double their number of trains by their eastern line, how many mixed goods and passenger trains could you then run per hour upon the Gippsland line?—I confess I do not understand the question.

6340. On the eastern line of the Hobson's Bay railway I think there are about 84 trains?—On the Brighton line.

6341. Eighty-four coming in, and eighty-four going out each way?—Yes.

6342. Suppose the Hobson's Bay Company were to double that, then I ask you how many trains would they be able to accommodate of yours running from Sale to Melbourne, in your opinion?—I do not like to give an opinion without having more time for consideration. I think if the Hobson's Bay Company

double the number of trains which it is now running upon its Brighton line, there would be very great inconvenience in carrying the Gippsland traffic over it; indeed, I believe there would be very considerable inconvenience in carrying the Gippsland traffic over the Brighton line, even with the present number of trains, and that inconvenience would be increased as soon as Richmond is reached, where the whole of the Hawthorn traffic also comes into the main line.

6343. In taking running powers over a portion of that line, would it be possible for you to work the Gippsland line to its full capacity?—I believe it would be with considerable inconvenience and delay to the traffic. I am speaking now quite apart from any difficulty connected with the station in Melbourne, and the passage of trains through Flinders street, both of which, I believe, would form most serious obstacles to the carrying on of the traffic.

6344. Do you consider it would be judicious for the Government to enter into any arrangement with the Hobson's Bay Company to take running powers, by which the number of trains belonging to the Government would be limited?—No, I think it would be very injudicious, unless the limit was placed at a very high number indeed.

6345. Now, at such a time as the Caulfield races, do you think it would be unreasonable to ask for running powers to the extent of ten trains an hour?—I should think the Caulfield races would scarcely require ten trains in an hour.

6346. Will five?—Five trains; perhaps you might for a single hour; it would not extend over many hours, perhaps not more than one.

6347. With the settlement taking place at Oakleigh, which it is thought is likely to take place in consequence of railway communication, do not you think it likely that a train would be required to leave Oakleigh every hour; would it be unreasonable, having regard to the future, to take such powers?—Not for several years, I think; even if it did, that train might be connected with a train upon the Hobson's Bay railway. It need not be a separate train after joining the Hobson's Bay railway.

6348. *By the Hon. Sir C. Sladen.*—Would an extra line of rails laid between Swanston street and Flinders street station overcome some of the difficulties of traffic upon the line?—No doubt it would.

6349. That would remove some of the objections which you have expressed?—No doubt.

6350. Do you see, in a professional point of view, any objections to taking running powers over the Hobson's Bay lines, provided the number of trains which the Government wish to run over it are unlimited?—I see an objection—

6351. That is, provided no limit is set upon the number that the Government are entitled to run upon it?—The objection which strikes me is the difficulty of getting the trains through the Melbourne station of the Hobson's Bay railway. I believe that there great difficulty would be found.

6352. Still I believe in engineering nothing is considered to be insuperable?—Not if you are entirely unlimited as to expense.

6353. And space I suppose?—And space; the great difficulty is space at the Hobson's Bay terminus, it appears to me.

6354. Supposing you admit the fact of expense, I suppose there is no insuperable difficulty in increasing very much the space at the Flinders street station?—The difficulty might be overcome by bridging over the river which has been proposed, but that of course involves enormous expense.

6355. Or even diverting the course of the river?—Or diverting the course of the river.

6356. So that it is not beyond the bounds of practicability or possibility to accommodate all the traffic?—Not beyond the bounds of possibility. What appears to me to be so injudicious is, to concentrate an immense traffic at a spot which seems to me to be so unsuitable for it, and where there is no necessity for taking it—traffic which might be taken elsewhere.

6357. May I ask where that "elsewhere" would be?—The elsewhere would be the Outer Circle line—the Cattle Yards and Brunswick—I mean as the principal termini of the Gippsland line.

The witness withdrew.

Thomas Rawlinson, Esq., C.E., examined.

6358. *By the Hon. Sir C. Sladen.*—I believe you accompanied Mr. Zeal in making a flying survey over the line between Avoca and St. Arnaud?—Yes.

6359. I suppose the two of you being together materially assisted you in getting through the work within the time; that is to say, the two of you were in a better position to get through the work, and form a reliable estimate, than if there had been only one?—It was a great convenience to have a colleague to consult with upon difficult points along the line.

6360. And to help you in the work, I suppose, of survey?—Yes.

6361. Did you hear Mr. Zeal's evidence?—I did.

6362. The whole of it?—Yes.

6363. Do you concur in that evidence which he has given?—I think he is rather excessive in his estimate of cost; on all other points I agree with him.

6364. Would you inform the Committee to what extent you think he has exceeded?—I think he has under-estimated the difference of cost between the two lines. I estimate the difference of cost in construction between the two lines at very much more than he does.

6365. Will you state how much?—From £400 to £500 per mile would be the extra cost upon the Dunolly route.

6366. I understood Mr. Zeal's estimate was £6500 upon the Dunolly route, and under £6000 upon the Avoca line?—I did not go into the estimate in the same manner as Mr. Zeal.

6367. You do not adopt his figures altogether?—No.

6368. Neither do you adopt his proportions?—I do not understand the question.

6369. He estimates the one line at a cost of £500 a mile more than the other, and you estimated £400?—Yes.

6370. Then you concur with him; do you concur with him in other respects?—Yes, as to the facility of forming a line, and other matters.

6371. Generally, if you heard the whole of the evidence given by Mr. Zeal, did you concur in it? I do not care to ask you any more questions, it is only taking up time; but if there is any point upon

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which you differ from him, will you inform the Committee what it is, and to what extent?—No, that is the only point I differ from him upon—there is a slight difference in the cost.

6372. The difference between the two lines you estimate at between £400 and £500?—Between £400 and £500 a mile, I estimate over and above the cost of the direct line to Dunolly.

6373. *By the Hon. J. Balfour.*—Do you know the country?—It is the first time I have been in the district.

6374. Could you form any estimate of the population from what you saw?—Yes, from the evident signs of settlement on either side for the first twenty miles, and also from conversation upon the spot with those who knew the country.

6375. Do you agree with Mr. Zeal upon that point?—Yes.

6376. *By the Hon. H. Cuthbert.*—When did you estimate the number of the population—was it on Sunday?—There are some statistics. I have no objection to working upon Sunday in an emergency of this kind.

6377. Then you went up on Saturday and returned on Monday, was that it?—Monday evening.

6378. You had never seen the country before?—No.

6379. And your estimate exceeds that of Mr. Zeal?—The difference of cost of the two lines.

6380. Do you agree with his estimate as to the cost of the Avoca line?—The mode in which we estimate the difference of cost has been more done in town than upon the journey, and he, I find, has gone more into detail. I assumed in the first place that the permanent way and ballast and similar things would be the same on both lines, and I merely entered into the extra cost of the bridges, the character of the large culverts and bridges and the necessary character of the earthworks, and by that means arrived at what I believe to be a sound opinion.

6381. What was your estimate of the cost of the Avoca line?—I have not taken it out as a bulk sum, and I have not gone into the detail; I merely arrive at the conclusion that the Dunolly line, from its earthworks and excess of bridges and culverts, will cost more than £400 a mile more than the other line.

6382. You go too fast altogether; I want you to tell me what you estimate to be the cost of the Avoca line?—It will not exceed £5000 a mile; it will be under £5000 a mile.

6383. Do you agree with Mr. Zeal's estimate of the cost of the line?—I have not had time to go into that.

6384. He has made the total cost £202,500; do you agree with that estimate?—No; it would be less than that.

6385. How many thousand less?—I should say it would be £30,000 less.

6386. Then Mr. Zeal is wrong in that estimate of his?—I do not say that he is wrong; it is merely a difference of opinion; he has a right to his opinion.

6387. You have not totted up the figures?—I have not gone into detail; I have merely taken the difference in cost, not having had time to go into minutiae.

6388. Do you agree with Mr. Higinbotham's estimate of the cost of the Dunolly to St. Arnaud line?—I cannot speak upon that, for the same reason.

6389. Why?—I have not gone into the details; I have merely satisfied my own mind with a comparative estimate of the cost of the two lines.

6390. May I ask, when you went upon the line, did you know what the probable cost would be of the Dunolly line, as estimated by the Government?—No.

6391. Read nothing about it in the papers?—I had no time for that; I received a telegram on the Friday and had to leave the next morning.

6392. Then until this evening I suppose you did not know what Mr. Higinbotham's estimate would be?—No.

6393. Do you know it now?—I heard it given by yourself.

6394. Could you give me the items in detail as to the cost of construction of bridges and engineering, and so on—each item in detail?—No; I could not give you the detail; I merely furnish you the general statement I have already given you.

6395. *By the Hon. Dr. Dobson.*—Do you know the relative proportions of purchased land through which these lines run?—The purchased land would be much in excess upon the Avoca line than upon the other.

6396. *By the Hon. F. T. Sargood.*—Have you had much experience in railway construction?—Yes.

6397. In the colony?—Chiefly at home—I was under Mr. Robert Stephenson—and also in the colony.

6398. Upon what lines?—For a short time I was upon the Victorian railways.

6399. Surveying?—No—in the office; and engaged in the execution of the works.

6400. Making estimates?—Yes.

6401. You have not made any trial surveys?—Not in Victoria.

6402. *By the Hon. W. Wilson.*—I think you said to the Committee that you made a very flying survey of the two lines?—Not a very flying survey—it is a survey such as is usually made for purposes of this kind—walking and riding over the country, to form a general estimate of the difficulties in the way.

6403. You state now that you have heard the estimate prepared by the department after careful survey?—Yes.

6404. With a staff of about a dozen surveyors out for some weeks, and a considerable amount of office work is required to take out quantities, they estimate the line to cost £195,000—would you say they had over-estimated or under-estimated?—I should not like to say that they had under-estimated it—what I say is, that the Dunolly line would cost £400 to £500 a mile more for earthworks and expensive bridges and culverts than the Avoca direct line.

6405. Where would the bridges be more expensive on the Dunolly and St. Arnaud line?—The chief expense is crossing the Avoca a little above the Emu Bridge.

6406. Is that from the greater amount of water that is gathered in the Avoca at that point?—There is about 500 square miles more drained in the Avoca at that place than has to be provided for by the bridge near the Avoca township.

6407. Are there any other creeks of any width to be crossed upon the Dunolly and St. Arnaud route?—No, that is the chief one.

6408. Then the bridging of the Avoca upon the Avoca route would not be nearly so expensive?—No.

6409. Not nearly so expensive?—No.

6410. Have you a larger number of creeks to bridge?—There are four or five upon the Avoca line.

6411. A greater number than upon the other?—Yes; but not very large.

6412. What other expenses add to the construction of the Dunolly and St. Arnaud line?—A very great increase in the earthworks, and a much greater number and more costly culverts.

6413. Do you mean wooden?—Wood or stone.

6414. The department now construct all their culverts with wood, I believe?—I believe upon those cheap lines they do.

6415. Would not that materially reduce the cost?—That would reduce the cost from what it would be if they built them of stone.

6416. Why do you anticipate more culverts upon the Dunolly than upon the Avoca line?—Because it is what we call cross country for a great portion of the distance, and the result is a greater number of little creeks to be crossed by embankments under which culverts must go to take the water away.

6417. For fifteen miles from the St. Arnaud end of the Avoca line is it not rather an expensive country to go through?—No.

6418. Are there no stiff cuttings at all?—The only thing approaching an expensive work is a cutting near to Clark's, about fifteen miles from Avoca; there is a saddle to be crossed, and after that there are a number of spurs, small sidings, and culverts here and there, nothing that could be termed a difficulty or a really expensive work.

6419. Then the extent of your evidence to the Committee as to the relative cost of the two lines is similar to Mr. Zeal's, looking at the character of the country?—Yes; and estimating from that.

6420. You had not of course time to make a close survey?—No; it is as close a survey as I should make for that particular purpose, even if I had more time.

The witness withdrew.

Mr. Edward Kelley examined.

6421. *By the Hon. Sir C. Sladen.*—What is your profession or occupation?—Draper, residing at Avoca. Mr. E. Kelley,
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6422. You are an old resident I believe in that part of the world?—Twelve years.

6423. Do you know the whole of the country round about Avoca?—Yes.

6424. East and west, north and south?—Yes; I know it all.

6425. Do you know Dunolly?—Yes.

6426. Do you know the country north and south of Dunolly?—North of Dunolly—yes.

6427. And proceeding from Moliagul westward you know the country to St. Arnaud?—Yes; I know that country too.

6428. Will you have the goodness to tell the Committee what is your estimate of the population north and east of Dunolly, taking Moliagul and McIntyre's, and so on, taking ten or twelve miles north and north-east of Dunolly?—I could not give you an estimate of the population in and around Moliagul. Moliagul is a small township about eight or ten miles north of Dunolly. McIntyre's is still further on north of Mount Moliagul, a very small place, approaching to a digging township—a digging population.

6429. Is not there a population to the east of Moliagul, within ten miles say of Moliagul?—East of Moliagul would bring you to Tarnagulla, within a short distance of the Inglewood line.

6430. What distance is Tarnagulla from Inglewood station?—I think it is reckoned about ten miles.

6431. What distance is it from Moliagul?—Tarnagulla?

6432. Yes?—Ten miles.

6433. And from Dunolly?—Tarnagulla from Dunolly?

6434. Yes?—I think that is ten or twelve miles; I would not be certain.

6435. Tarnagulla is about central to Inglewood, Moliagul, and Dunolly?—Yes.

6436. There is a considerable mining population?—At Tarnagulla?

6437. Taking the circle that I have described, with Tarnagulla as its centre; taking from Dunolly south to Moliagul west, what is the population?—I could not tell you the population—I could not give you an estimate of the population.

6438. Is it a large population?—It is scattered; on the line of road between Dunolly and Moliagul there are a few farmers, selectors; there is settlement here and there.

6439. Have you been in that country lately?—I have been from Dunolly to Moliagul within the past eight months once.

6440. Are you sufficiently acquainted with the country to speak as to the number and situation of State schools?—In the Dunolly district?

6441. Yes, taking Moliagul and McIntyre's?—There are five State schools.

6442. Will you have the goodness to name them?—There is one at Kooreh, Bealiba, McIntyre's, Moliagul, and Burke's Flat—five schools—439 scholars.

6443. Where is Burke's Flat?—Not shown upon that map—it is just where you see the word, as near as I can tell you, the word "Scale" in the top part of the map, four miles from Synnot's.

6444. That is to the west of the Avoca Creek?—Yes, the land west of the Avoca River.

6445. That is five schools?—Yes.

6446. Do you know at all the attendance—the number of the attendance of the children?—No, only by the number of scholars—I know nothing of the average attendance.

6447. Can you give the number of scholars?—I have that copied from the Education Department.

6448. You copied it there?—I had it given to me to-day.

6449. Will you state the number—it is the number of children upon the rolls I suppose?—I do not know whether it is numbers upon the rolls or the average attendance—I suppose it is upon the rolls.

6450. I understand this is a return made by the Education Department?—Yes.

6451. To-day?—Yes, to-day.

6452. Is it signed?—No, but it is quite correct.

6453. May I ask, how you came in possession of it?—It was given after inquiry to one of my friends here in the gallery.

6454. What is his name?—Mr. Hall.

Mr. E. Kelley,
continued,
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6455. Did Mr. Hall get it himself?—He applied for it.
6456. And what is the number of children upon the rolls, according to the list you have there?—
Kooreh, 30; Bealiba, 149; McIntyre's, 79; Moliagul, 89; and Burke's Flat, 92; a total of 439.
6457. Have you taken in Emu Bridge there?—There is no school there.
6458. Are you sure of that?—There is none to my knowledge, not at Emu Bridge; I think not yet; but I believe there will be one shortly.
6459. Do you know Bealiba?—Yes.
6460. What population is there there?—I could not say anything about population as to numbers; it is a nice little township, and appears to be settled somewhat like most other inland townships are, in a small way.
6461. Are you able to make any comparison of the populations contiguous to the line between Dunolly and St. Arnaud, with the populations which are upon the line to the Avoca Valley; can you give a sufficiently approximate estimate of the population upon the Dunolly line, to compare with the population upon the Avoca line?—In and around Bealiba there is a nice little township; at Cochrane's Creek there is a narrow strip of settlement extending for something like seven miles, including one of Mr. Chirnside's stations, known as Cochrane's Stations, that is on one side of Bealiba on the Cochrane's Creek; on the other side, there is a narrow strip down to Archdale selected.
6462. What number do you think would be within reach of a station at Bealiba?—I could not tell you the number, nor anything like it.
6463. Are there a thousand?—I could not say; I do not know.
6464. Do you know anything of the population much further west and north, near to Carapooee; do you know anything about Kooreh?—Kooreh is the parish in which Emu Bridge is situated. Koorec is on the map for this place.
6465. It is upon the Avoca, is it not, or near the Avoca, but is it not considerably north of Emu Bridge?—What is it?
6466. Kooreh?—The parish is Kooreh, the settlement known as Kooreh, such as I understand Kooreh is called the Major Line, and the settlement in the upper part of Major Line is seven or eight miles north or north-west of Emu Bridge.
6467. I think you said the number of children at that State school is 30, at Kooreh?—Yes, that is correct.
6468. Where would the population go—where is the nearest place, the most convenient place for them to reach the railway?—Most of the farmers at that particular spot just now take their grain during harvest, some of them, into St. Arnaud; but then by having a station here at Carapooee, we should accommodate all that portion convenient to the Major Line settlement.
6469. Is that settlement as near to Carapooee as it is to Emu Bridge?—It is about an equal distance.
6470. Are there as great facilities for getting to the one as to the other?—I believe they are equal.
6471. It would not matter, so far as that population is concerned, whether the line were from Dunolly or from Avoca to St. Arnaud?—I have it from a few of the residents upon the Major Line that they would as soon go to Carapooee as to the Emu or St. Arnaud.
6472. Can you say whether the selectors at Archdale would have any facilities for getting to Dunolly?—Both sides of Archdale we could accommodate them with a station, about seven miles. The Archdale station is about seven miles east of the Avoca Valley line.
6473. What distance are they from Dunolly?—I think they reckon it 18 miles; Bealiba is reckoned 14 miles from Dunolly, and Archdale is four miles from Bealiba.
6474. Will you proceed now to give me the population along the east and west of the proposed Avoca Valley line, beginning from Carapooee. I think the line joins the Dunolly line at Carapooee?—They converge just about there.
- 6475-6. Begin from there and give the population west, extending the whole length of the Avoca line, this is—take it in detail; there is a State school to the west of Carapooee?—There is a State school at Carapooee, or Peter's Diggings State school.
6477. How many are there there?—85.
6478. At Carapooee?—Yes.
6479. Is it 85 or 35?—85.
6480. At Stuart Mill there is a State school, I believe?—153.
6481. You know the direction that the direct line, which you call the Avoca Valley line, would take between Avoca and St. Arnaud?—Yes.
6482. How far will that line be at its nearest point from Stuart Mill?—Its nearest point would be about four miles.
6483. Is there access from Stuart Mill to the population there to get to the railway?—Yes, if you like to move from Stuart Mill along that strip of settlement it is a dead level leading down to Hayes's Bridge, not far from Strathfillan station, and the Stuart Mill people would be pleased to get a station there.
6484. Supposing the Avoca Valley line were made, where would the Stuart Mill people go?—They would go to the Stuart Mill station on that particular spot.
6485. I understand you it is four miles from Stuart Mill?—Yes.
6486. Are you speaking of a station to be made exactly opposite, to the east?—No, not to the east; that would be at Clark's selection. I suppose it to be to the Strathfillan Creek.
6487. Where?—Along this settlement, at Strathfillan Creek.
6488. How far would that be?—Four miles.
6489. There is no difficulty in their getting there?—None whatever.
6490. Then going south there is Voss's, is that the name?—Voss.
6491. Is there a school there?—Yes.
6492. Is that a small or large settlement?—Twenty-six.
6493. Twenty-six upon the rolls?—Yes.
- 6493A. That indicates a small population?—Yes.
6494. Then upon the other side of the line, out apparently at Cherry Tree Creek, there is a State school?—Yes, 60—that is in the Avoca Valley.
6495. It is marked only 30 here, that is in the valley?—Yes, in the valley. The 30 is Moyreisk.
6496. What population is there south-west of that on the other side, to the west side of the range?—We have not come to the range yet from the school.

6497. But taking the old surveyed line—to the west of the old surveyed line?—The survey is upon the old telegraph road.

6498. Then, going south and south-west of that, is there a considerable population there?—Not very great for a few miles.

6499. Can you tell me how many State schools there are within ten miles of the line?—We have twelve State schools within that distance of the line, and we have three west of the Pyrenees, also in Avoca shire—they are in the west riding of the Avoca shire. The last three are west of the Pyrenees—fifteen in all.

6500. I do not understand you, I want you to go by this map and see the line marked here, which, in our inquiry, has always gone by the name of the Old Survey?—That is correct, that is the telegraph route.

6501. I take it that that follows the line of the range, does it?—Very nearly, except near Moonambel.

6502. What population is there to the west of that?—To the west of that would be west of the Pyrenees.

6503. That is to say, the Pyrenees go in the direction of this line?—Yes, they bound it.

6504-5. What population is there to the west?—To the west you get into Landsborough and Barkly and Navarre, and all those places.

6506. Is there a considerable population there?—Yes; I know it is settled. I have not been there, however, for a considerable time.

6507. What sort of a population is it?—Landsborough is a small inland town.

6508. Farming?—Yes, and mining.

6509. Within what distance west of the old surveyed line is the farming population?—Then you get over the Pyrenees, which will be in the west riding of the Avoca shire. There we have three State schools—Landsborough 163, Navarre 28, and Barkly 75—total 266.

6510. Redbank?—At Redbank there are 77, and Moonambel 125, Warrenmang 33.

6511. Take Navarre, Barkly, and Landsborough—is that an agricultural population?—Yes; agricultural and mining. Navarre, I think, is all agricultural.

6512. Is Landsborough?—Yes.

6513. Mining population?—Yes, mining and agricultural.

6514. How far is Landsborough to the nearest point of the old surveyed line?—There is a gap just there; you must go over that.

6515. How far is that?—From Landsborough to Moonambel is reckoned eighteen miles by the road—a good coach road; the coach drives that way every day, Sundays excepted.

6516. Is that gap near to Moonambel?—As near as I can remember about nine miles from Moonambel.

6517. In which direction?—Inclining westerly, or a little to the north and west.

6518. But Moonambel is to the west of the Pyrenees altogether?—No, it is east.

6519. Whereabouts is the gap from Moonambel—it cannot be west of it?—It runs up a little to the north and west, and then Landsborough is away about a point round the gap.

6520. I do not want to know anything about Landsborough—you spoke of the gap—you mean a gap in the Pyrenees?—Yes.

6521. Where is it?—It is westerly from Moonambel.

6522. Do I understand that Moonambel is east of the range?—Yes, it is a little town in the range; in a little amphitheatre off the range, east of the range.

6523. I understood you that the range ran in the same line as the old survey?—Yes; but that is right too.

6524. But Moonambel is put considerably west of that?—Yes; but Moonambel lies in a sort of amphitheatre, skirted by the Pyrenees.

6525. Then this gap is between Landsborough and Moonambel is it?—Yes; that is right.

6526. Does that gap command the Avoca Valley?—Yes; the people can come from there and from Landsborough, and nearly all of Barkly over that particular gap into Moonambel, and into the Avoca Valley.

6527. Supposing the Avoca Valley line were made from Avoca to St. Arnaud, could people from Landsborough and Navarre and those places bring their produce to a station situated somewhere upon the Avoca Valley, or would they go to Avoca itself?—They would go to Avoca Valley without doubt—they have the choice of two roads.

6528. And which would they take?—It is more than probable that they would come by way of Moonambel and then into the station upon the line, that is the western part, and then the people living north of that would come round by way of Stuart Mill.

6529. Then there are two gaps?—They have the choice of two roads to cross the Pyrenees.

6530. The gap in the neighborhood of Moonambel would accommodate a large population west of the Pyrenees range?—Yes, that is correct.

6531. And the Avoca Valley line would suit them?—Yes.

6532. Is that a large population you have mentioned—a good many schools?—Yes, on the west we have only three schools.

6533. Do you know at all what population—have you anything to guide you?—Yes, I can tell you that—the population of the west riding of the Avoca shire is 1384, that is the west riding, which means west of the Pyrenees.

6534. Between Avoca and where?—Between Moonambel including Landsborough, Navarre, and Barkly.

6535. You do not include any country north of Barkly?—No.

6536. Does the 1384 take in Kimberley and Warrenmang?—No, they are upon the east of the Pyrenees—Kimberley and Warrenmang are separate—Kimberley has 36, that is also in the Pyrenees, that is a digging population.

6537. Is that an increasing or a decreasing population?—There is not very much work going on—it is not the population that it was at one time.

6538. Not a thriving place?—Not what you call a thriving place.

6539. Percydale?—135.

6540. Is that a thriving place?—It is not so thriving as it was three or four years ago—at one time there was a very large Chinese population, mustering some 600 Chinese—it was better known as Fiddler's Creek.

Mr. E. Kelley,
continued,
11th Sept. 1877.

6541. Are the figures against this place correct—135?—I believe that is correct.
6542. Would not that indicate a large population?—It is not a small place, though it is not so large as it was five or six years ago.
6543. Now what State schools are there upon the east side of the Avoca Valley line?—There is one at Natte Yallock.
6544. Is not there one south of Natte Yallock?—Rathscar.
6545. Are there any others within reach of the line; is not there one north of Natte Yallock?—Yes.
6546. Cherry Tree Creek?—Cherry Tree Creek.
6547. Is there much population at Cherry Tree Creek?—It is all farming population all round there—60 scholars.
6548. Can you give me the aggregate number of children supposed to be upon the rolls of the several State schools you have mentioned in the neighborhood of the Avoca Valley line?—No; I could not tell you any more than taking the numbers upon the roll.
6549. That is what I want; what is the aggregate?—The total is 829; that is the Avoca Valley line.
6550. And what distance is the furthest of those schools from the Avoca Valley line?—I suppose either Warrenmang or Kimberley to be about as far as any place.
6551. From the Avoca Valley line?—From the Avoca Valley line.
6552. According to this map, Landsborough would be three times as far?—But Landsborough is over the Pyrenees.
6553. That is what I want to know; you have spoken of Landsborough, Navarre, and Barkly?—Yes.
6554. Are those the three furthest schools?—Yes.
6555. What distance are they?—Landsborough is 18 miles by the road from Moonambel; that is what it is considered, because you have to go up one way and down the next. It is almost like the letter V to get over that particular gap.
6556. It must be a very roundabout road?—It is a very roundabout road, on account of the gap.
6557. How far is Moonambel from the nearest point upon the line?—Moonambel is about six miles and a half.
6558. Then, according to that, I suppose the Landsborough people would go to Avoca, and not go to a place upon the Avoca Valley line?—It would be further to go to Avoca.
6559. It would?—Yes.
6560. What distance would Landsborough be from Avoca?—Thirty miles, because Moonambel is 12.
6561. Is there any railway line to the west which is nearer to Landsborough than the Avoca Valley line?—There is a railway station at Stawell. I think it is about 25 miles from Landsborough to Stawell.
6562. Then Landsborough would be rather nearer to Stawell than to Avoca?—Yes; rather.
6563. Would the Avoca Valley line accommodate all the people living in Archdale?—Yes, I believe it would, because it is not far.
6564. What is the farthest distance they would have to go—where is a likely place for a station, somewhere upon the Valley?—We suppose about where you see the Cherry Tree Creek.
6565. Now how far would they be from a station upon the Cherry Tree Creek, taking the furthest people in Archdale, and how far would Bealiba be from there?—I expect Archdale, from the Cherry Tree Creek, will be something like eight or ten miles.
6566. And Bealiba rather further?—Four miles further; Bealiba is served now by Dunolly, because the Bealiba people now all go from Dunolly.
6567. Which is the densest population upon the Avoca River?—All between Avoca and Natte Yallock down to Archdale, and also on the west of the Avoca River up as far as the Pyrenees boundary, where the outside line is upon the map.
6568. That is where the densest population is?—Yes.
6569. That is the best land, is it?—Yes, it is all taken up.
6570. Which line would serve the bulk of this population best, the Dunolly line or the Avoca line?—The Avoca line, without a doubt, as it runs through the settlement would serve the greatest number of population.
6571. Do you think the Avoca Valley line would accommodate a larger number of population than the other?—Yes.
6572. Within the same distance?—Yes.
6573. A much larger population?—I will give you the numbers.
6574. If you please, I would be glad?—In the North Riding, east of the line—
6575. Which do you call the North Riding?—That is the Avoca end.
6576. East of the Avoca line?—East of the Avoca line the population is 480, west 1336.
6577. What distance north and south is that?—That is, beginning at Avoca, taking it down about twelve miles due north down the Avoca Valley line; that is, about the boundary of the Avoca shire, just there; this is only in the shire boundary. The Avoca shire only extends about twelve miles down the Avoca Valley line, the remaining portion of the Avoca railway is in St. Arnaud shire—the south part of the St. Arnaud shire.
6578. What is the total population in fact between Avoca and St. Arnaud, within twelve or fifteen miles of the line?—5839 the Avoca direct line.
6579. On both sides?—Yes, east and west of the line.
6580. Within what distance of the line?—From five to seven miles on the east, and about an equal distance on the west.
6581. Ten miles?—Yes, a little more, say twelve miles altogether.
6582. Six miles each side?—Yes, but you see Rathscar—it is a little more to the east, just there.
6583. But that is all within easy distance of Avoca?—Yes, Rathscar is.
6584. Then do you think that population is a larger one than there is along the line within the same distance of the Dunolly and St. Arnaud railway?—I believe it to be.
6585. But you do not know?—I have not the numbers of the population upon that line.
6586. *By the Hon. F. S. Dobson.*—I understand that you said, the distance from Tarnagulla to Inglewood is fifteen miles?—No, I think about ten miles.
6587. Did not you say fifteen?—No.

6588. You say ten?—Yes.
6589. Are you as correct in all your distances as you are in that answer?—I believe that is correct.
6590. *By the Hon. J. Balfour.*—How far is Moliagul from Dunolly?—Eight or ten miles—it might be ten miles—it is considered ten.
6591. The Committee were told some time ago that a considerable population existed north of Moliagul—McIntyre's—is there much population there?—I do not think there is. I have not been to McIntyre's for a number of years, but it is a small place. Berlin, a decaying mining population, is north of McIntyre's about eleven miles from Inglewood.
6592. How far from Moliagul?—It might be about three miles.
6593. That would be about thirteen miles from Dunolly?—Something of it, yes.
6594. And how far from Inglewood?—Eleven or twelve miles, I think, from Inglewood. Inglewood would serve them for a station.
6595. Now, at the Emu there is a considerable population, I believe?—Yes, after you go a few miles on, you come into the Major Line settlement.
6596. Is that on both sides of the Avoca?—On a tongue of land, between the Avoca River on one side and Campbell's Creek on the other.
6597. Is that upon the east or west of the Avoca?—West of the Avoca River.
6598. If the population is west of the Avoca, that is towards St. Arnaud?—They would do as at present, go to St. Arnaud.
6599. If the line be from Dunolly to St. Arnaud, would that population be as near St. Arnaud as Emu?—About equal distance.
6600. It would not matter much?—No, several of the residents there have told me that it is a matter of indifference—that they would as soon have a line from Avoca to St. Arnaud as a line from Dunolly.
6601. Then there is a population at Kooreh*?—That is the parish; the settlement down there is just at the bridge—it is not a great deal—there are a few farmers there.
6602. Suppose the direct line is made—the Valley line—where would the Kooreh people join it?—They could get to a station at Strathfillan.
6603. Would it not be nearer to go to Carapooee?—I think not.
6604. How far would it be from the Dunolly line if it were made?—The Dunolly line runs through it.
6605. You are speaking of the Emu Bridge—I speak of where you see a State school?—That is the Major Line settlement. The Major Line settlement and Kooreh school is one place.
6606. You have already answered some questions about the Pyrenees—there are two gaps?—Yes.
6607. How far do the Pyrenees stretch on the west of this blue line—they commence south of the Avoca to the end?—Yes.
6608. And they go northward how far parallel with that line?—They go north.
6609. Before they break off from being parallel to that line?—Yes, by the road, they go about thirty miles.
6610. I want to see how far they form a barrier to the population on the west of the blue line. Now we know they run parallel with the line or nearly so from Avoca North—how far north?—To opening in first barrier is Moonambel.
6611. Nor further north, or do they go away to the west?—No, they keep on north, but there is a gap just there at Moonambel.
6612. But they keep on north again?—Yes, they come round to Stuart Mill, there is a gap there.
6613. Do they end there?—No not exactly, not there; but two miles further on they are so much lighter that they are hardly called ranges.
6614. Then the Avoca River, following it, where does it begin to take a north-west bend?—Somewhere not far from the Avoca Forest station.
6615. Is that anywhere near the State school?—The Avoca Forest station is about seven miles of the Emu Bridge—seven or eight miles.
6616. Then seven or eight miles from the Emu Bridge the river bends north-west?—Yes.
6617. The settlement runs along the river?—Yes, on the west side, commencing about three miles south of Avoca Forest station.
6618. Would that settlement be benefited by either line—which line would benefit them most, the Dunolly line or the Avoca line?—Seven miles north certainly the Dunolly line would be the best.
6619. Beyond that?—Beyond that they would come into St. Arnaud.
6620. So that it would be a matter of indifference to them?—Quite so.
6621. You have told me that the settlement about Kooreh, seven miles north of the Emu, would be benefited by the Dunolly line?—Yes, but there is not a great deal of settlement down there, that would be at Avoca Forest station.
6622. Can you give me an idea of how much?—I know about six farmers on that particular spot.
6623. Then the Archdale settlement would be benefited by the Dunolly line rather than the Valley line?—The Archdale people now go into Dunolly by Bealiba.
6624. Still they would be nearer to Bealiba?—They would if the line extends from Dunolly and a station is made at Bealiba.
6625. And you said that the Cochrane's people would be benefited?—Yes, they would.
6626. Is there much settlement at Cochrane's?—At Cochrane's Creek there is a small strip of settlement, and in that strip is included the Dunolly settlement.
6627. Are there any other portions that would be benefited by the Dunolly line, in preference to the other?—Not more than would be benefited by the Inglewood line. †
6628. They would go to the Inglewood line, though it is further away?—Yes.
6629. Where is your residence?—Avoca.

The witness withdrew.

* There is a misunderstanding about this question. My answers for this and the next three were given supposing that the Honorable Mr. Balfour meant Kooroc, which is Emu Bridge. Mr. Balfour found my mistake in No. 6605.
† I do not know of any other portions further away as in 6628. Berlin, a decaying mining population, is only about eleven miles from Inglewood. McIntyre's is about midway between Inglewood and Dunolly; while Tarnagulla and New-bridge are only about twelve miles from Bridgewater railway station.—E. KELLEY.

Mr. John Hugh Davies examined

Mr. J. H. Davies,
11th Sept. 1877.

6630. *By the Hon. F. S. Dobson.*—What are you?—An assistant engineer and surveyor.
 6631. In the Railway Department?—Yes.
 6632. In connection with the line from Dunolly and St. Arnaud?—Yes.
 6633. You surveyed the proposed line?—I surveyed part of the line from Dunolly to St. Arnaud.
 6634. Do you know the line about which the witnesses have been giving evidence this evening, the proposed direct line from Avoca to St. Arnaud; do you know the country that goes through?—No, I do not; I do not even know the position of the line upon the map.
 6635. Supposing you saw the position of the line upon the map, would you know the lie of the country? Have you been through near the Pyrenees?—I am familiar with the trial section that was taken by the Railway Department between Avoca and St. Arnaud.
 6636. Does that appear upon the map?—Yes, the original trial line appears upon this map.
 6637. Which is that?—The outside one.
 6638. The one to the west?—Yes.
 6639. You are familiar with that line?—Only on paper. I am not familiar with the country.
 6640. You have not been through that country?—I have not been through that country.

The witness withdrew.

Mr. Henry Hall further examined.

Mr. Henry Hall,
11th Sept. 1877.

6641. *By the Hon. Sir C. Sladen.*—You are the secretary of the Railway League, I think, are you not?—I am honorary secretary of the Avoca Railway League.
 6642. I want to ask you some questions with regard to the attendance at the State schools. I believe you have got some returns to-day from the Education Department?—I have.
 6643. Who gave you those returns?—They were originally given me by the chief clerk, Mr. Handfield.
 6644. From whom did you get the returns this morning?—They were corrected by one of the clerks in the office this afternoon.
 6645. Were they given to you by any one in authority in the Education Department?—Mr. Handfield had gone, it was after four o'clock, and I saw the next person in authority, and asked him to be kind enough to correct those figures.
 6646. Will you inform the Committee of the name of the gentleman who gave you the information?—I do not know his name; he appeared to be the person then in authority. This was between four and five o'clock, after Mr. Handfield and the secretary had gone.
 6647. Will you state to the Committee what information he gave you with regard to the returns—you asked for the returns of certain schools which you specified?—I handed him the original return furnished me by the Department on the 30th July, from Mr. Handfield, and asked him to be kind enough to see whether the figures were correct, and if there were any mistakes, to be kind enough to correct them.
 6648. Will you read the names of the schools and the corrected figures as they were given to you?—Will you take the Dunolly line first?
 6649. If you please?—Kooreh school 30, Burke's Flat 92, Bealiba 149, McIntyre's 79, Moliagul 89—Total 439.
 6650. How many schools is that?—Five schools.
 6651. Does that include all—are there no more upon the Dunolly line?—Not that I am aware of.
 6652. Have you got Synnot's?—No.
 6653. Nor yet Emu Bridge?—I am not aware of any school at Emu Bridge.
 6654. Nor Archdale?—No.
 6655. Then will you give the names of the schools upon the Avoca Valley line, and be so good as to state the distance they are from the line?—I will state the schools within ten miles of the Avoca Valley. They are—Percydale 135, Kimberley 36, Warrenmang 33, Moonambel 125, Redbank 77, Natte Yallock 52, Cherry-tree Creek 60, Voss's 26, Rathscar West 49, Stuart Mill 153; Willis's school, Main St. Arnaud Road, 36; Moyreisk 47. Total 829, within ten miles of the Avoca Valley line.
 6656. Are they all to the north of Avoca?—All to the north of Avoca.
 6657. How far north of Avoca?—The furthest school is about six miles north, and the others considerable distances.
 6658. What other schools are within ten miles of Avoca?—I hardly understand the question.
 6659. I asked you whether all those are north of Avoca?—Yes.
 6660. And the next question was, what is the nearest, and you say six miles?—Yes.
 6661. Now how many are there within ten miles of the Avoca station?—I think Percydale and Rathscar West schools are the only ones.
 6662. How many are there at those?—184.
 6663. And the total number of those is 840?—829.
 6664. Those figures were given you this morning by a gentleman in the Education Department?—These figures were corrected this afternoon between four and five o'clock.
 6665. And the whole of those schools represent the population within ten or twelve miles east and west of the Avoca line?—Within ten miles east and west.
 6666. May I ask what distance is Natte Yallock from Dunolly?—As the crow flies it is fifteen miles.
 6667. How far from Bealiba?—Eleven miles.
 6668. How far from the Avoca Valley line, say from Cherry-tree Creek—supposing there were a station upon the Cherry-tree Creek, how far would the population at Natte Yallock be from the station?—There would be a station within about three miles from Natte Yallock.
 6669. The bulk of the population, as far as I can gather from most of the witnesses who have been examined, is between Natte Yallock and Cherry-tree Creek?—Natte Yallock and Cherry-tree Creek form the great bulk of the agricultural settlement east of the line.

6670. *By the Hon. J. Balfour.*—What part of the population is about Archdale that would be benefited by the Dunolly line?—I cannot answer you correctly anything about the population of Archdale. Mr. Henry Hall,
continued.
11th Sept. 1877.

6671. It is outside your own shire?—It is outside our shire.

6672. The population of Archdale would be benefited by the Dunolly rather than the Avoca Valley line, would they not?—The population north of Archdale would.

6673. Do you know the settlement north of Emu?—Only immediately adjacent to the bridge.

6674. Not further north?—No.

6675. Do you know the settlement upon the Avoca northward?—North of the Emu?

6676. Yes?—No, not personally.

6677. You have heard the evidence given, I suppose, about the Pyrenees and the crossing places?—I have.

6678. Do you confirm it or not—are there gaps or crossing places for the population west of the Pyrenees by which they could easily reach a railway on the east?—Yes; there is a good main coach road from Moonambel to the west riding over the gap. It is just as easy of access as coming up Bourke street. It is about the same gradient.

6679. Then it is not a fact to say that the population west of the Pyrenees would not have access to the direct valley line?—It would not be a fact.

6680. There is another crossing-place at Stuart Mill?—There is.

6681. Is that a good road?—It is a very good bush track indeed—it is not a made road.

6682. Did you give Sir Charles Sladen the total number of scholars upon the roll in the schools adjacent to the direct valley line?—Yes, I gave the total—829.

6683. Against how many?—439. That is omitting the schools in the west riding.

The witness withdrew.

Mr. John Hugh Davies further examined.

6684. *By the Hon. H. Cuthbert.*—Would you let me ask you a few questions. Are you an engineer—a civil engineer?—I have not obtained a degree as civil engineer. I am acting as assistant engineer in the Railway Department. That is my official title—assistant engineer and surveyor. Mr. J. H. Davies,
11th Sept. 1877.

6685. Are you acquainted with the proposed line of railway from Dunolly to St. Arnaud?—I am.

6686. When the Honorable Mr. Dobson was asking you about the line from St. Arnaud to Avoca, I think you said you knew very little about the line?—From Avoca to St. Arnaud—yes.

6687. But you have been engaged in surveying the line from St. Arnaud to Dunolly?—From Dunolly to St. Arnaud—yes.

6688. What is your idea about the character of the country between Dunolly and St. Arnaud—are there any engineering difficulties in the way of making that line?—No, sir, nothing worthy of the name of an engineering difficulty. The most formidable range—or what may be considered the nearest approach to an engineering difficulty—is a range at a distance of about seven miles and a half from Dunolly, between Dunolly and Bealiba, the summit of which is about 300 feet above the commencement of proposed line at Dunolly, and the line has been so laid out as to form nearly a gradual ascent to the summit of this range without any very steep gradients. That ascent, though it appears so formidable, yet bears very favorable comparison with some of those light lines on which no such range appears—for example, the line between Maryborough and Avoca, over which all the traffic from St. Arnaud would have to pass, in the event of the Avoca extension, being carried out, there is a total ascent on that line of some 470 feet. And whilst there is along fifteen miles from Maryborough to Avoca a total ascent of 470 feet, for the corresponding fifteen miles upon the Dunolly and St. Arnaud line there is only 370 feet, notwithstanding the range referred to.

6689. Are there any facilities upon the Dunolly line for obtaining ballast?—There is ballast at Dunolly, and I believe ballast can also be obtained at Bealiba.

6690. Are there any means of obtaining timber along there for constructing the line of railway, such as posts and rails, and so on?—Yes, the character of timber required for sleepers and for the smaller culverts can be obtained, I do not think in very large quantities, along the line—that is in the immediate vicinity of the line, but I believe there is a very extensive supply at Mount Moliagul and in that part of the country.

6691. And upon the line, as I understand—this blue line—you really know very little; have you been over that country?—I know the distances between the several points; I know, for example, the distance along the straight line from Avoca to St. Arnaud.

6692. There is no difference of opinion about that. So far as the estimate is concerned, do you agree with the Engineer-in-Chief's estimate as to the expense of constructing the line to Dunolly?—I think there would not be much difference in the expense between the construction of a line from Avoca to St. Arnaud, and from Dunolly to St. Arnaud, that is, per mile.

6693. Which would be the shorter?—The Dunolly to St. Arnaud decidedly.

6694. By two miles or two miles and a half?—The difference in the straight line is three miles—that is, the difference in length of the calculated straight line obtained from actual survey between Avoca and St. Arnaud, and Dunolly and St. Arnaud is exactly three one-eighth miles.

6695. *By the Hon. J. Balfour.*—Have you been over the ground of the proposed direct Avoca Valley line?—No, I have not been over that part of the country.

6696. On what basis do you estimate the cost of making a railway there?—From the section—the trial section.

6697. Has there been any trial section of the Avoca Valley line?—I may say that I have not formed any estimate of the cost of constructing the line from Avoca to St. Arnaud. I only judge, in replying to the question just put to me, from making a comparison of the two sections, which determines, to a very large extent, the character of the works to be carried out, and upon which a person not seeing the ground may estimate.

6698. But no sections have been made of the Avoca Valley line I understand?—Not the Avoca Valley line. I refer to the trial line.

Mr. J. H. Davies,
continued,
11th Sept. 1877.

699. Let us clearly understand that then. The estimate you gave to the Honorable Mr. Cuthbert—the estimate of the construction of the two lines—refers to the old trial survey and to the Dunolly line?—Yes.

6700. It has nothing to do with the line we are discussing now, the Avoca Valley line?—I have no knowledge of the Avoca Valley line beyond this, that I can form an idea of the cost of culverts and so on, which is one of the principal items, from the fact that water way has to be provided by culverts for the same flow of water, wherever you construct the line between the original trial survey and the Avoca Valley itself.

6701. That is as regards the water way, but not as to the engineering difficulties, the ranges or hills?—The earthworks?

6702. The earthworks?—Yes.

6703. Then you cannot give an idea of the cost?—No.

The witness withdrew.

William Gregson Couchman, Esq., further examined.

W. G. Couchman,
Esq.,
11th Sept. 1877.

6704. *By the Hon. H. Cuthbert.*—You have been examined before in reference to these two lines?—Yes.

6705. We might speak of them as three lines?—Yes.

6706. Have you been over any of the country since your last examination?—I was over a portion of the Avoca Valley line, so called.

6707. That is the line shown here as the blue line?—Yes.

6708. What portion of it have you been over?—That portion between allotment 24, Dalyenong, and Stathfillan.

6709. How many miles is that from Avoca?—Starting about 15 miles from Avoca?

6710. Above Bolerch?—North of the Cherry Tree Creek.

6711. You started about there?—Yes.

6712. Did you proceed up towards St. Arnaud?—Yes.

6713. For how far?—About 10 miles.

6714. What kind of country was it?—It crosses a lot of spurs and gullies and creeks—small creeks—all the way to Strathfillan.

6715. Then I suppose up to Cherry Tree Flat it is a level country?—Tolerably level, comparatively level.

6716. Mr. Zeal spoke of it to-night as a level country—no engineering difficulties for 20 miles?—There are some small rises that this line would cross.

6717. Starting from the Cherry Tree you mount up for about 15 miles?—About 10 miles.

6718. Would there be any engineering difficulties of any moment upon the way?—Yes, I think so; there are several creeks and water courses to cross, and from the fact of the country being so steep to the west when heavy rainfalls come a considerable number of culverts and drains would have to be made, I think, to provide for the water getting away.

6719. Did you proceed any further up than the 10 miles?—I know the country well from the 10 miles to the north of that.

6720. You spoke of that in your further evidence?—Yes.

6721. I think you said there would be some heavy cuttings?—Yes.

6722. Rather hilly country?—Hilly country it is.

6723. Is there any of the country through which the line passes exempted from occupation under the 19th section of the Land Act?—Yes, take the Dunolly line for instance. Dunolly to St. Arnaud, 10 miles on either side of the line there is about 130,000 acres exempted.

6724. For what purpose is it exempted?—Gold mining purposes. It is exempted from occupation under the 19th section of the Land Act.

6725. Then I suppose there is very little settlement there?—No; very little settlement along the line for a great distance; on account of its being what is called a “pink area,” no one can select more than 20 acres.

6726. And even that they can get no title to?—No.

6727. No Crown grant can be got for that?—No.

6728. Mining objections block the way?—Yes; I believe the farmers have asked for 16,000 acres to be thrown open, lower down the Avoca, and I believe the whole of it will be taken up.

6729. Where is the 130,000 acres?—North-east and south-west of the line, in patches.

6730. Of the blue line?—No; the Dunolly line—the Dunolly and St. Arnaud line.

6731. Is that the reason why there is so little settlement along there?—That is the reason.

6732. So that if this House passes the Mining or Private Property Bill all those difficulties will be done away with; do you think large settlement will take place?—Yes; to a great extent I think there will. It is evident from their having applied to have 16,000 acres taken out.

6733. But as I understand it, the reason people are not allowed to select is, because this land is reserved for mining purposes?—They cannot take more than 20 acres.

6734. It is not put up for sale in consequence of being auriferous?—No land is put up for sale there.

6735. No matter how long a person occupies under the 19th section, they can never get a Crown grant for it under the present state of things?—No.

6736. What is the quality of the land that is so exempted?—It comprises alluvial flats and schistose ranges.

6737. Is that good grazing country, or is it fit for agriculture?—A great portion of it is good agricultural land.

6738. Then the people there have applied to have a certain portion of it thrown open?—They have applied to have 16,000 acres thrown open.

6739. Has that been granted?—It has not yet; a petition has now been sent in.

6740. Then on the Avoca line is there land exempted also for mining purposes?—Yes, there is also land there exempted. W. G. Couchman
Esq.,
continued.
11th Sept. 1877.

6741. Could you tell the Committee what quantity?—There may be a similar quantity; I should think about a similar quantity.

6742. Is that land equally good as the land you have been speaking of upon the Dunolly line?—No, it is principally ranges; it is in the Pyrenees and along the Pyrenees.

6743. Not much probability of people taking up that for settlement?—They may take up a few of the gullies in small patches—isolated blocks.

6744. I think you told me, upon a former occasion, you could not speak about the population?—No, I know very little of the population; not enough to speak with any authority.

6745. I suppose you know as much generally about the population as most of the witnesses that have given evidence here to-night?—I think so; I have lived in the locality the last ten years.

6746. *By the Hon. G. F. Belcher.*—Upon the direct line, what number of culverts to the mile do you think would be fair?—I could hardly give an estimate of the number of culverts.

6747. Do you think four would be sufficient?—I should hardly think so; no, I think not.

6748. Would double the number suffice?—It may; I could not say. I have not made an accurate enough survey of it.

6749. Can you tell me the distance from Tarnagulla to Inglewood?—Fourteen miles.

6750. The witness Kelly stated it at ten miles; that is not correct?—No.

6751. You know it to be fourteen?—I have travelled it several times.

6752. Do you know the distance from McIntyre's to Dunolly?—I think fourteen miles.

6753. *By the Hon. J. Balfour.*—Have you travelled between McIntyre's and Dunolly?—Several times.

6754. It would not be correct to call it eleven and a half miles?—No, I think not.

6755. How far is Moliagul distant from Dunolly?—Ten miles.

6756. And how far is McIntyre's from Moliagul?—About four.

6757. Four culverts, you think, would not be sufficient to the mile for the Avoca line?—I think not.

6758. That is, a part of the line you have particularly examined?—Yes.

6759. But that part of it was the part that had the most creeks?—Yes, I think so.

6760. Then, averaging the line throughout its whole course, four to the mile might be sufficient?—I could not speak with certainty about that.

6761. Then you could not say that four was too few throughout the line?—I think it would be.

6762. If Mr. Zeal, who surveyed the line, says four are sufficient, you would not put your opinion against Mr. Zeal's?—I have made as much observation as Mr. Zeal did.

6763. And made an estimate of the cost of the railway?—I never have made an estimate yet.

6764. You spoke of the last portion of the line, from Cherry Tree Creek onward ten miles, as having a good many engineering difficulties?—Yes.

6765. Spurs and creeks?—Yes.

6766. As an engineer, could not you make that line and escape almost all those spurs, or make them very small cuttings?—No, not without considerable deviations.

6767. Did you hear Mr. Zeal's evidence?—Yes.

6768. Did you hear his statement that that line—that part of it—could be made with great ease, with very little deviation?—Yes.

6769. You do not agree with that?—No, I do not.

6770. Then that part of the line towards St. Arnaud, further north still, you speak of that as being particularly difficult?—Yes.

6771. Where would you consider that that portion joins the proposed Government line?—Where it is marked here as joining the proposed Government line, about a mile to the south-east of St. Arnaud.

6772. Did you see Mr. Zeal's plan?—No, I have not seen any other plan.

6773. Would you look at that—[*handing Mr. Zeal's plan to the witness, who inspected the same*]—look at the line marked upon that?—Is it the blue line?

6774. The blue line; where does that line come into the Government line—where do they become one?—In the township of Carapooec.

6775. Is it from there onwards that it is difficult?—No; you could get over some of the difficulties by going that way, but there would be some difficulties in the way there, near St. Arnaud.

6776. Still the crossings upon the Government line are too—?—No, the Government line goes more to the east.

6777. Do they not join there—are they not one?—It is shown more to the east here.

6778. But if you get to the Government line?—If it joins the Government line on the Major Line, that difficulty would be got over.

6779. Then with regard to the pink, there is about an equal quantity reserved under the 19th section on each line?—Yes, I think about an equal quantity.

6780. Have you been over the pink reserve upon the Avoca Valley line?—Yes, the greater portion of it.

6781. As much as you have been over the other?—Yes, I think so.

6782. And you still give the preference in point of quality of land to the Dunolly side?—Yes, decidedly.

6783. Supposing there were four culverts to the mile, how many would that be to every furlong?—Half one.

6784. Is that the usual quantity in any line you have had to construct?—It all depends upon the kind of country you go through.

6785. In that kind of country you have had to do with as an engineer?—I have had very little practice upon railway works.

6786. Would you consider that an unusual number upon an ordinary railway?—No, I think not.

6787. If you increase them beyond four, would it be unusual?—Yes, I think it would.

6788. You think it would require more than four?—Yes.

The witness withdrew.

Mr. Thomas Sanderson further examined.

Mr. T. Sanderson,
11th Sept. 1877.

6789. *By the Hon. H. Cuthbert.*—You have been examined before, and gave us a good deal of valuable information about these lines—I do not want to go over the evidence you have already given?—Any evidence that I have to give now will be all fresh.

6790. Can you furnish me with a return, showing the quantity of sleepers forwarded from Dunolly station for the Maryborough and Ballarat railway and Maryborough and Avoca railway?—I can.

6791. Will you read it out shortly?—Maryborough to Ballarat line—sleepers obtained by Messrs. Fishbourne and Morton, contractors, 832½ tons came from Dunolly; posts and rails, 30 tons.

6792. Thirty tons?—30 tons for the Maryborough to Avoca line—sleepers and posts and rails obtained by the contractors, Messrs. Milne and Garty, 1002½ tons sleepers; 154½ tons posts and rails; making a total tonnage of 2019¼ tons. After their contract was completed, by order of the Government, there were 40 tons more sleepers got from Dunolly; which makes a total altogether of 2059 tons sleepers and posts and rails, from Dunolly to construct the Maryborough and Ballarat line, and the Maryborough and Avoca line. These statistics are compiled from the Railway Department, and I am quite sure are accurate.

6793. So that one of the best places to get sleepers is, to go to Dunolly?—The living fact is before the Committee.

6794. Have you got a return of the estimated number of people that will be served by the Dunolly and St. Arnaud line?—I have the estimated population taken in 1871—a portion of the line—that is to say, I take the starting point from Natte Yallock and go to Irishtown. All those places will be east of the Avoca River, which, of course, would be within a radius of the ten miles of the proposed line Dunolly to St. Arnaud; since then I may fairly estimate the population, and I am quite sure I am inside when I say it is 50 per cent. over the number up to the point I take, Natte Yallock, east of Avoca, 53; Archdale, 61; Bealiba, 207; Moliagul, 584; Goldsborough, 253; Moliagul Agricultural Area, 276; Irishtown, 173; total 1607—an increase of 50 per cent. up to the present time makes the total 2410; and I am perfectly sure I am under the mark. Next I go from Cochrane's Creek, north of Bealiba from the township—Cochrane's Creek, 120; McIntyre's, 130; Turnstall's, 100; Wehla, 200; Burke's Flat, 400; Orville, 900; Emu, 100; Synnott's, 100; total for that part of the district, 2050. Next I add the population of the town of Tarnagulla, 1600, confining myself to a radius of ten miles of the line; that is a total of 6160 individuals.

6795. To be served by this line?—To be served east of the Avoca River, and within a radius of ten miles of the permanent line as laid down.

6796. That disposes of the population—that is all the information you can give me about the population?—That is all.

6797. Can you give me any information about the State schools—average attendance, &c.?—I can. Mine is verified by the inspector, Mr. Bolam.

6798. Does that tally with the account read out by previous witnesses to Sir Charles Sladen?—Some of the schools they have given I do not touch upon. I only take those east of the Avoca River. I do not refer to Landsborough, Redbank, Moonambel, or Stuart Mill. Those places have no right to come before the House. All those places are perfectly foreign to this inquiry; they are clean out of the district altogether. You might as well go to Horsham. They are well served by a railway already.

6799. Which of those schools do you consider altogether foreign to this inquiry, and of which the children attending there should not be taken into consideration?—First of all I take no particular notice of those—the whole of them—but some of them I was perfectly struck with. For instance, there is Stuart Mill; they say there is 153 scholars there. I doubt the fact—I doubt the assertion. I think it is only an assertion.

6800. Although it came from, or was said to come from, the Education Department?—I doubt the assertion, from my knowledge of the district. I have lived there and have been there ever since I was a boy.

6801. Will you give me the names of those schools that you think ought not to be taken into consideration?—For instance, Landsborough.

6802. What about Stuart Mill?—Yes; that is right.

6803. Any other schools?—Barkly and Navarre.

6804. Those are three schools that are altogether foreign to this inquiry, and ought not to be taken into consideration?—Not in my opinion.

6805. Coming to the list of State schools, and the average attendance that you have made out, will you give me their names?—I will. Jones's Creek, 60; Tarnagulla, 179; Murphy's Creek, 20; Moliagul, 67; Inkerman, 94; Bealiba, 80; McIntyre's, 55; Burke's Flat and Wehla, 150. I might state, of Burke's Flat and Wehla, I have not got the official return for that portion, but I am quite sure I am under the mark, from the information I have received, and there are three schools about to be opened. The first at Mount Hooghly, to accommodate 25 scholars. This, you will understand, is a return I obtained as late as last Friday from Mr. Bolam.

6806. He is an inspector of schools?—He is an inspector. I may say he is one of the best.

6807. You have mentioned one new school?—I have mentioned one new school, and there is one at Archdale to accommodate 30; and there is one at Emu Bridge, also for 30; that is all. With those numbers that would be an average attendance of 815, or, upon the roll, 1200. For instance, I can give you even at Dunolly—there is upon the roll at Dunolly (this is a guide for you) an average attendance of 200, whereas there are upon the roll 378; so if that follows in one school, it will naturally apply to the others. So we come to a total upon the roll of 1200 children, and all those children are within 10 miles of the railway.

6808. Now can you give me the approximate number of selections upon the trial surveyed line within 10 miles from Avoca to St. Arnaud?—Yes; I can give you that most correctly, and I can give you the same for the Dunolly. I shall make comparisons. The approximate number of selections within 10 miles of the trial line surveyed from Avoca to St. Arnaud, on the western side is 348, representing 41,550 acres; on the eastern side there are 368 selections, representing 37,200 acres—making a total number of selections for the Avoca trial line of 716 selections, with 78,750 acres. The next I turn to is the total number provided by the Dunolly route: the number of selections, 1220. The total number of acres representing those is 161,570 acres. The total number provided for by the Avoca line is 716, as I said before, with an average of 78,750. Now I come down and bring the numbers down.

6809. Showing a balance in favor of Dunolly of how many?—Total number of selections provided for by the Dunolly line, outside a ten-mile radius of the Avoca line, is 504, containing 82,820 acres. Next I come to the total number provided for by the Avoca line. Outside a ten-mile radius of the Dunolly line, as 135 selections, representing an area of 14,250 acres. Then I come to the grand total in favor of the Dunolly line, as 369 selections, representing an area of 68,570 acres, in favor of the Dunolly route, I might say.

Mr. T. Sanders
continued.
11th Sept. 187.

6810. So that, as I understand, it is 68,000 acres in excess of the quantity selected on the Avoca line that stands in favor of Dunolly?—Yes; and I have got Mr. Byron Moore's authority for all these things. I am backed up by his signed documents for a fact to that effect.

6811. You are giving in information now from *data* furnished to you by the Deputy Surveyor-General?—Yes; and I might further go on to say, that there is a certain number of acres near St. Arnaud that would be equally well served by the Avoca Valley line as we are by the Dunolly. By the comparison I have made, I put the Avoca people in the same position as we are ourselves. I started from Avoca, and I go through the Avoca Valley line, and I finished at St. Arnaud. I have done the same from Dunolly to St. Arnaud, consequently I have neither favored the one nor the other, but given you a fair average of both sides.

6812. *By the Hon. J. Balfour.*—How far is Tarnagulla from Dunolly?—Not quite ten miles.

6813. Where would the Tarnagulla people join the railway? Suppose the Dunolly line were constructed, what station would they go to?—Some would go to Goldsborough, and others would come to Dunolly.

6814. But Tarnagulla is a township?—Tarnagulla is a borough.

6815. For the township part of it, which would be the best station?—Six of one and half a dozen of the other.

6816. Dunolly would do?—Yes.

6817. If the line were not constructed they could go to Dunolly?—Yes.

6818. You include Tarnagulla both in your statistics of schools and those of selection?—I do; but you will understand me, that I keep within ten miles north. For instance, the selection north of Tarnagulla I do not include.

6819. Still Tarnagulla is supplied by the Dunolly line?—Yes; but we want communication to the north of St. Arnaud as well as to Dunolly.

6820. Natte Yallock. You include a portion of that upon the eastern side of the River Avoca in your statistics of population?—Yes.

6821. But even a good part of that upon the east of the Avoca River would be nearer the direct Valley line than the Dunolly line?—Not a shadow of a doubt about it.

6822. Then that part should not be credited to the Dunolly line?—The Natte Yallock people (as it has been already before the House) are already well supplied with railways, as they have one within eight miles.

6823. Then in your statistics you think they should be struck out and not considered at all?—I wish the Committee to have the full benefit of my evidence as a witness.

6824. Do you consider then that that portion of Natte Yallock, whose population is near to the Avoca Valley, should still be credited to the Dunolly line?—I have given every one credit.

6825. Tell me this—can you answer this—In the statistics you gave to the Honorable Mr. Cuthbert, you have already included the portion of Natte Yallock on the east of the Avoca River as benefited by the Dunolly line?—To a certain extent it would be.

6826. At the same time, that portion of the population is still nearer to the Avoca Valley line?—Yes.

6827. Then if your statistics are all like those of Tarnagulla and Natte Yallock, you lead the Committee to consider that the Dunolly line is futile, when they are possibly benefited already by lines existing?—I only wish the Honorable Mr. Balfour was upon the ground between Dunolly and St. Arnaud; he would not put many questions as to the best route.

6828. As to schools, you have given Bealiba; I am speaking of the schools in that portion of the district through which the Dunolly line would pass?—Yes.

6829. Bealiba?—Yes.

6830. McIntyre's.—Yes.

6831. Moliagul?—Yes.

6832. Kooreh?—I have not got that one in.

6833. The three new ones that are proposed, one at Emu Bridge?—Yes.

6834. One at Archdale?—Yes.

6835. And one other one you mentioned?—Yes.

6836. What others since have you?—I will read them all over again.

6837. I would rather hear only those that I have omitted?—You have not got Jones's Creek.

6838. Where is that?—It is the township of Wanyarra.

6839. Is the position of that school laid down upon that map—(handing a map to the witness)?—Yes.

6840. Would you kindly say where?—To the north of Dunolly.

6841. How far from Dunolly?—Five miles.

6842. The next school?—Inkerman.

6843. Where is that upon the map?—Near Old Dunolly, about half a mile north of Old Dunolly—five miles—it might be six.

6844. It is quite close to Dunolly?—Yes.

6845. Any other school?—No other school that I know of. Pardon me for a moment, you take, for instance, Cherry Tree Creek school, that is just upon the west bank of the Avoca River; two-thirds of the scholars come from the eastern side, and one half the scholars at Natte Yallock come also from the eastern side; consequently, if you put all the children upon the eastern side, you could show, I think, two to one for those upon the western side.

6846. We had Stuart Mill school given to us, and the number upon the roll as 153; you dispute that?—I have every reason to doubt that number.

6847. We can only make ourselves right by getting that from the Education Department?—Yes.

The witness withdrew.

APPENDIX A.

ATTESTED COPY OF GRANT TO THE MELBOURNE RAILWAY COMPANY.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth : To all to whom these Presents shall come, Greeting:

Whereas, by an Act of the Parliament of Victoria, No. 43, certain persons therein named or referred to became united into a company incorporated by the name of The Melbourne and Suburban Railway Company: And whereas, by an Act of the Parliament of Victoria, No. 134, it is enacted that it should be lawful for the said company to contract as therein mentioned for the sale of the undertaking of the company and all and singular the property, real and personal, of or belonging to the said company, and, on payment of the purchase-money, to transfer the said undertaking and real and personal property as therein mentioned unto the purchasers: And it is thereby further enacted that, upon the execution of a deed of transfer in manner therein mentioned, the purchase-money therein stated should be converted into and become shares of Ten pounds each, and such shares should constitute the capital of the company thereby incorporated; and the persons who should become such purchasers, and all persons and corporations who should at any time or times thereafter become the holders or proprietors of such shares, and their several and respective executors, administrators, successors, and assigns should be united into a railway company, for the purpose of taking and holding the said undertaking and property and making, completing, and maintaining the railway and works authorised to be constructed by the said Melbourne and Suburban Railway Company, and for such purposes and other the purposes mentioned in the now recited Act should be incorporated by the name of The Melbourne Railway Company: And whereas, by deed under their common seal, dated the second day of April, One thousand eight hundred and sixty two, made between the said Melbourne and Suburban Railway Company of the one part and Hugh Glass, William John Clarke, Robert Caldwell, Patrick Higgings, Alexander Joske, and John Filson, therein described of the other part, the said Melbourne and Suburban Railway Company, in exercise and execution of the powers and authorities given to them by the said recited Act, transferred unto the said Hugh Glass, William John Clarke, Robert Caldwell, Patrick Higgings, Alexander Joske, and John Filson and their heirs the undertaking of the said company, and all and singular the property, real and personal, of or belonging to such company: And whereas the Crown land hereinafter described was, before the commencement of the Act of the Parliament of our colony of Victoria numbered 145 (being the "Act to consolidate and amend the Laws relating to the sale and occupation of Crown Lands"), promised and set apart for the purpose hereinafter appearing, and possession of such land was given: Now know ye that, in order to promote the construction and making of railways and internal communication in our colony of Victoria, we, of our own special grace, have granted, and for us, our heirs, and successors do hereby grant, unto the said Melbourne Railway Company, their successors and assigns, all that piece or parcel of land containing by admeasurement twenty-eight acres two roods twenty-one perches, be the same more or less, situated in the parish of Jika Jika, county of Bourke, colony of Victoria, commencing at a point bearing north sixty-two degrees east one chain fifty-three links from the point of intersection of the south side of Flinders street with a prolongation of the east side of Swanston street; thence north sixty-two degrees east fourteen chains seventy-eight links; thence south sixty-seven degrees ten minutes east ninety links; thence by a straight line bearing north eighty-nine degrees forty-nine minutes east six chains fourteen links; thence by a curved line, the radius of which is sixty chains, general bearing of curve easterly, length thereof twelve chains fifty links; thence by a curved line, the radius of which is forty chains twenty-six links, general bearing of curve easterly, length thereof ten chains fifty links; thence by a straight line bearing south sixty-one degrees three minutes east twenty-six chains twelve links; thence by a curved line having a radius of seventy-eight chains, general bearing of curve easterly, length thereof thirty-one chains sixty-five links to the west side of the Punt road, by that side of the Punt road southerly two chains twenty-six links; thence by a curved line having a radius of eighty chains twenty-six links, length thereof thirty-two chains fifty-eight links; thence by a straight line bearing north sixty-one degrees three minutes west twenty-six chains twelve links, crossing the Jolimont road; thence by a curved line having a radius of thirty-eight chains, general bearing of curve westerly, length thereof ten chains twenty links; thence by a curved line parallel to and two chains twenty-six links' distance from southerly of the northern curve, length of curve four chains twenty-two links, bearing westerly; thence by a straight line bearing north eighty-eight degrees forty-nine minutes west eight chains; thence by a straight line bearing south sixty-two degrees west nineteen chains twenty-five links; thence by a straight line bearing north twenty-eight degrees west five chains seventy-seven links to the point of commencement. Secondly:—All that piece or parcel of land containing by admeasurement fifteen acres three roods seven perches, situate in the parish of Jika Jika, county of Bourke, and colony of Victoria:—Commencing at a point on the east side of Mary street, Richmond, bearing southerly two chains eighty-eight links from the point of intersection of the east side of Mary street with the south side of Swan street; thence by a straight line bearing east thirty-eight chains eighty-three links, crossing Elizabeth street, Burnley street, and Stawell street; thence by a curved line the radius of which is thirty-six chains, general bearing of curve north-easterly, and length thereof thirteen chains; thence by a curved line the radius of which is thirty-nine chains, general bearing of curve north-easterly, and length thereof fifteen chains seventy-two links to the west side of Hodgkinson's crossing; thence by a straight line bearing north forty-six degrees five minutes east four chains ninety-four links to the west bank of the Yarra Yarra River; thence by the said bank of the Yarra Yarra River south-easterly two chains twenty-nine links more or less; thence by a straight line bearing south forty-six degrees five minutes west five chains twenty-one links to the west side of Hodgkinson's crossing; thence by a curved line, the radius of which is forty-one chains twenty-six links, general bearing of curve south-westerly, and length thereof seventeen chains forty-seven links; thence by a curved line the radius of which is thirty-eight chains twenty-six links, general bearing south-westerly, and length of curve thirteen chains; thence by a straight line bearing west thirty-eight chains eighty-three links crossing Stawell street, Burnley street, and Elizabeth street to the east side of Mary street, and by that side of Mary street northerly two chains twenty-six links to the point of commencement, as the said two several pieces or parcels of land are more particularly delineated and described in the diagram or plan hereon and therein colored yellow: Together with all the rights, members' privileges, and appurtenances whatsoever to the same lands respectively belonging or in anywise appertaining, reserving and excepting nevertheless unto us our heirs and successors all gold and other metals and all mines and minerals whatsoever being in, upon, or under the said lands respectively hereby granted, with full and free liberty and power to search and dig for, win, work, and take away the same, and with the right of full and free ingress, egress, and regress into, out of, and upon the said lands respectively for such purposes, but, nevertheless, so as not to do or occasion any unnecessary damage to the railway or the works or other the property of the said Melbourne Railway Company: And also reserving and excepting the use for such of our subjects and the people of our colony of Victoria, and in such manner as the Governor in Council shall from time to time direct, all roads, streets, highways, crossings, paths, bridges, watercourses, drains, sewers, and other works now running, lying, or being across, in, over, through, or under the said lands respectively: And also reserving and excepting for such use, and in such manner as aforesaid, all such part of the said lands respectively as shall be required for carrying across, in, or through the same respectively such other railway or such tramway, road, street, highway, crossing, path, bridge, canal, watercourse, drain, sewer, or other work as the Governor in Council shall direct to be carried across, in, or through the same respectively, with full and free liberty of ingress, egress, and regress into, out of, and upon the said lands respectively at all reasonable times for such purposes, but so as not to do or occasion any unnecessary damage to the said railway or the works or other property of the said Melbourne Railway Company, and making full compensation for any damage which may be done or occasioned in the carrying out of any such purposes. To have and to hold the said lands and premises unto the said Melbourne Railway Company their successors and assigns: Provided nevertheless and we do hereby expressly declare that this our Royal Grant is and shall be subject to the conditions, provisions, and declarations hereinafter mentioned, that is to say:—That the said lands respectively hereby granted, and the buildings and works now or to be at any time hereafter erected thereon, shall be at all times hereafter maintained and used as and for a railway and station and other buildings and works connected therewith, in accordance with the provisions of the said recited Acts respectively, so far as the same respectively are now

applicable to the said undertaking, and of any and every Act by which the said Melbourne Railway Company is or shall be bound or affected, and so far as consistent therewith and not otherwise, and for no other purpose whatsoever: Provided also and we do hereby further declare that if the said Melbourne Railway Company shall be dissolved or by any means become extinct and be no longer existent, or shall permit or suffer the said lands and premises or any part thereof respectively to be used for or applied to any other than the purpose aforesaid, or to become out of proper order and repair, or shall alienate or attempt to alienate in fee simple or for any less estate or interest the said lands and premises or any part thereof respectively, save and except under and in pursuance of some law hereafter to be in force within the said colony, it shall be lawful for us our heirs and successors, by any person or persons duly authorized in that behalf by the Governor or other officer for the time being administering the government of our said colony, but subject to any law then in force providing for or dealing with any of the said cases, to re-enter upon the said land or any part thereof, and to hold, possess, and enjoy the same as fully and effectually to all intents and purposes as if this Grant had not been made: In testimony whereof, we have caused this our Grant to be sealed with the seal of our said colony.

Witness our trusty and well-beloved Sir Henry Barkly, Knight Commander of the Most Honorable Order of the Bath, Captain-General and Governor-in-Chief of our said colony and Vice-Admiral of the same, at Melbourne, this sixteenth day of January in the twenty-sixth year of our reign and the year of our Lord One thousand eight hundred and sixty-three.

(Signed) HENRY BARKLY. (L.S.)

Registered under the Real Property Act in the Register Book vol. 1, fol. 84, the fourth day of June, 1863, at the hour of Three o'clock in the afternoon.

(L.S.)

(Signed) J. C. HOLM,
Assistant Registrar-General.

Entered on record and enrolled in the office of the Registrar of the Supreme Court of the colony of Victoria in Register of Miscellaneous Grants No. 2, folio 24, this twenty-ninth day of May, 1863.

(Signed) HENRY KRONE,
Acting Registrar.

We, the undersigned, hereby attest that the writing contained in this and the five preceding sheets of paper* is a true and correct copy of the original grant, of which it purports to be a copy, having been examined and compared by us, this twenty-eighth day of August, A.D. 1877, with the said original Grant.

(Signed) F. G. SMITH, JR., } Clerks to Messrs. Malleon, England, and Stewart,
W. D. MACKAY, } Solicitors, 24 Queen street, Melbourne.

APPENDIX B.

SIR,

In reply to a question put to me by the Committee of the Legislative Council on Wednesday last, the 5th instant, I have the honor to say, that the number of level crossings on the Outer Circle Railway is twenty-five (25), a list of which I attach.

I have the honor to be,

Sir,

Your obedient servant,
T. HIGINBOTHAM,
Engineer-in-Chief.

The Honorable C. J. Jenner, M.P.,
Chairman of Committees,
Legislative Council.

Engineer-in-Chief's Office, Railway Department,
Melbourne, 10th September, 1877.

OUTER CIRCLE RAILWAY.

Public Roads passed on the level between North Melbourne and Oakleigh.

No. 1. Miller street	No. 8. Sydney road	No. 14. Northcote road	No. 20. Riversdale road
2. Wood street	9. Parkside East road	15. Heidelberg road	21. Road unnamed
3. Canning street	10. Cameron street	16. Willesmere road	22. Hartwell road
4. Erskine street	11. Barkly street	17. Road unnamed	23. Glen Iris road
5. Flemington road	12. Nicholson street	18. Bourke road	24. Malvern road
6. Road in Royal Park	13. Lokey's lane	19. Prospect Hill road	25. Dandenong road.
7. Park road			

T. HIGINBOTHAM,
Engineer-in-Chief.

* In manuscript.

1877.
—
VICTORIA.

R E P O R T

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

THE MINING ON PRIVATE PROPERTY BILL,

TOGETHER WITH

THE PROCEEDINGS OF COMMITTEE, MINUTES OF EVIDENCE,
AND APPENDICES.

ORDERED BY THE COUNCIL TO BE PRINTED, 22ND NOVEMBER, 1877.

By Authority:
JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 23RD OCTOBER, 1877.

PETITION.—The Honorable R. S. Anderson presented a Petition, signed by W. Lane and another, on the subject of the Mining on Private Property Bill.

Petition received.

The Petition was read at the Table by the Clerk.

The Honorable R. S. Anderson moved, That the Petition be referred to the Committee to which the Mining on Private Property Bill may be referred.

Question—put and passed.

PETITION.—The Honorable A. Fraser presented a Petition from the Seven Hills Estate Freehold Company (Limited) Kingston, and under the seal thereof, on the subject of the Mining on Private Property Bill.

Petition received.

The Petition was read at the Table by the Clerk.

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

Question—put and passed.

MINING ON PRIVATE PROPERTY 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.

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

Amendment moved by the Honorable J. A. Wallace, That all the words after the word "That" be omitted, with a view to insert the words "the Bill be referred to a Select Committee."

Debate ensued.

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

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

Question—That the Bill be referred to a Select Committee—put and passed.

The Honorable J. A. Wallace moved, That the Committee consist of ten Members, and that the following be the Members of the Committee, viz.:—The Honorables Dr. Dobson, N. Fitzgerald, F. T. Sargood, J. Balfour, T. T. a'Beckett, R. Simson, Sir S. Wilson, R. D. Reid, J. P. Bear, and the Mover; and that such Committee have power to call for persons and papers, and have power to sit on days on which the Council does not sit.

Question—put and passed.

WEDNESDAY, 31ST OCTOBER, 1877.

PETITION.—The Honorable Dr. Dobson presented a Petition, signed by F. A. Walsh, styling himself attorney for the Bank of New South Wales, and praying that certain alterations may be made in the Mining on Private Property Bill.

Petition received, and, on the motion of the Honorable Dr. Dobson referred to the Select Committee on the Mining on Private Property Bill.

THURSDAY, 1ST NOVEMBER, 1877.

PETITION.—The Honorable Dr. Dobson presented a Petition, signed by Peter McWhae and others, praying that a clause may be inserted in the Mining on Private Property, to save existing interests.

Petition received.

The Petition was read at the Table by the Clerk, and was, on the motion of the Honorable Dr. Dobson, referred to the Select Committee on the Mining on Private Property Bill.

THURSDAY, 22ND NOVEMBER, 1877.

MINING ON PRIVATE PROPERTY BILL.—REPORT OF SELECT COMMITTEE.—The Honorable J. A. Wallace brought up the Report of the Select Committee, to which was referred, on the 23rd ultimo, the Mining on Private Property Bill.

The Report was read at the Table by the Clerk.

The Honorable J. A. Wallace moved, That the Report be printed, with the Evidence and Appendices.

Question—put and passed.

REPORT.

THE SELECT COMMITTEE appointed by your Honorable House, during the present Session of Parliament, in reference to the Mining on Private Property Bill, have the honor to submit the following Report, and recommend as follows :—

1. That a lease shall issue to all parties who may have been mining for gold on private lands under an agreement, either by a lease or otherwise, made on or before the first day of October 1877, if the parties or either of them in connection with such agreement apply for said lease within three months of the passing of the said Bill into law.

2. That power be given to the Governor in Council to enter upon lands to mine on.

3. That compensation should be estimated and paid to owner before commencement of works.

4. That compensation should be settled by Lands Clauses Consolidation Act, if not agreed upon by the parties ; in estimating compensation, consequential damages to be taken into consideration.

5. Regulations to be contained in Bill.

6. That rent or royalty to be reserved to the Crown should be One shilling per acre per annum.

7. That private owners mining without a lease be liable to a penalty not exceeding Five pounds, or to forfeit all gold obtained, but this shall not apply to *bonâ fide* prospecting.

8. That no lease include lands within one hundred and fifty yards of any house, woolshed, sheepwash, vineyard, garden, shrubberies, &c., &c., as in clause 16, without the consent of the owner.

8A. That wardens shall have power on application of owner to authorize inspection and grant an injunction to restrain an encroachment.

9. That power be given to convey water for mining purposes through lands other than those included in the lease, compensation being allowed as in clause 4 of this Report.

10. That no person shall mine upon or under any public highway, street, or road without an order permitting him so to do from the corporation having the care and management of such public highway, street, or road.

11. That the owner be defined to include mortgagee and lessee.

JOHN A. WALLACE,
Chairman.

Committee-room,
22nd November 1877.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 25TH OCTOBER 1877.

Members present:

The Hon. R. Simson

The Hon. Sir Samuel Wilson.

The Hon. J. P. Bear

No business done.

TUESDAY, 30TH OCTOBER 1877.

Members present:

The Hon. J. A. Wallace

Sir S. Wilson

Dr. Dobson

N. Fitzgerald

T. T. a'Beckett

The Hon. J. P. Bear

R. D. Reid

J. Balfour

R. Simson.

The Hon. J. A. Wallace was appointed chairman.

The Committee deliberated on the dealing with existing contracts, and the Hon. N. Fitzgerald moved the following resolution:—"All contracts made between the owners of private lands and other persons, for mining in or on such private lands for gold or silver, before the decision of the Privy Council as to gold being the property of the Crown, may be registered by either or any of the parties thereto leaving a copy of such contract at the Office of the Minister, and if so registered within six months after the passing of this Act, shall be binding at law and in equity, and may be enforced as if they had been legal contracts at the time they were entered into, and all persons claiming the benefit of mining for gold or silver under any such contract shall, after registration thereof, take and execute a lease in accordance with the regulations herein-after mentioned; but if such lease be not applied for within six months after the passing of this Act, the mines, the subject of such contracts, may be applied for by any person under this Act."

Agreed to.

Certain amendments proposed to be made in the Bill by the Chairman were read by the Clerk, and ordered to be printed.

The Clerk was directed to summon Messrs. Jones, Weddell, Lorimer, and the Hon. David Moore, to give evidence, at three p.m. on Wednesday; and Messrs. Chalk, Lane, and Moule for half-past two p.m. on Thursday.

Committee adjourned until three o'clock on Wednesday.

WEDNESDAY, 31ST OCTOBER, 1877.

Members present:

The Hon. J. A. WALLACE, in the chair;

The Hon. N. Fitzgerald

Dr. Dobson

R. D. Reid

The Hon. J. P. Bear

Sir S. Wilson

T. T. a'Beckett.

The Hon. David Moore was examined.

Mr. James Buchanan was examined.

Mr. Alexander McVitty was examined.

Mr. William Rogerson was examined.

The Committee adjourned until half-past two o'clock on Thursday.

THURSDAY, 1ST NOVEMBER, 1877.

Members present:

The Hon. J. A. WALLACE, in the chair;

The Hon. R. Simson

R. D. Reid

J. P. Bear

T. T. a'Beckett

The Hon. J. Balfour

Sir S. Wilson

Dr. Dobson.

Mr. Weddell was examined.

Mr. Lorimer was examined.

Mr. Jones was examined.

Mr. Walsh was examined.

The committee adjourned until two o'clock on Wednesday.

WEDNESDAY, 7TH NOVEMBER 1877.

Members present:

The Hon. J. A. WALLACE, in the chair;

The Hon. R. D. Reid

F. T. Sargood

J. P. Bear

N. Fitzgerald

The Hon. R. Simson

Dr. Dobson

Sir S. Wilson.

Mr. Grant was examined.

Mr. Chalk was examined.

Mr. McLoughlin was examined.

Mr. Turpey (Mayor of Ballarat East) was examined.

Mr. Bland was examined.

Ordered to summon Mr. Lane and Mr. Moule for half-past two on Tuesday.

Committee adjourned.

TUESDAY, 13TH NOVEMBER 1877.

Members present :

The Hon. J. A. WALLACE, in the chair ;

The Hon. T. T. a'Beckett
F. T. Sargood
J. P. BearThe Hon. R. Simson
Sir S. Wilson
R. D. Reid.

The Hon. T. T. a'Beckett handed in additional clause as to compensation, which was ordered to be printed.

Mr. W. Lane was examined.

Mr. F. G. Moule was examined.

The Hon. F. T. Sargood handed in amendment to clause 9, which was ordered to be printed.

Committee deliberated.

The Hon. T. T. a'Beckett proposed, "That all existing contracts be legalized, if applied for by either party."

Seconded by Sir S. Wilson.

Committee deliberated, and adjourned until half-past two on Tuesday.

TUESDAY, 20TH NOVEMBER, 1877.

Members present :

The Hon. J. A. WALLACE, in the chair ;

The Hon. R. Simson
R. D. Reid
J. P. Bear
Sir S. WilsonThe Hon. J. Balfour
Dr. Dobson
N. Fitzgerald
F. T. Sargood.The Committee discussed certain principles proposed to be embodied in the Bill, and the following *precis*, prepared by the Hon. Dr. Dobson, was ordered to be printed :—

DRAFT PROPOSED PRINCIPLES OF ACT FOR MINING ON PRIVATE PROPERTY.

1. Legalize contracts existing at date of judgment of Privy Council in *Woolley v. Ironstone Hill Company*.
2. Power to take lands for mining purposes if owner refuse to permit mining.
3. Compensation to be estimated and paid to owner before commencement of works.
4. Compensation to be settled by Lands Clauses Consolidation Act, if not agreed upon by the parties.
5. Regulations to be contained in Bill.
6. Rent or royalty to be reserved to the Crown—1s per acre.
7. Private owners mining without a lease liable to forfeit all gold obtained.
8. No lease to include lands within 100 yards of house, gardens, &c., &c., without the consent of owner.
9. Power to drive tunnels and convey water through lands other than those included in the lease.

The Committee adjourned until half-past two o'clock next day.

WEDNESDAY, 21ST NOVEMBER, 1877.

Members present :

The Hon. J. A. WALLACE, in the chair ;

The Hon. J. Balfour
R. D. Reid
F. T. Sargood
J. P. BearThe Hon. R. Simson
N. Fitzgerald
Sir S. Wilson
Dr. Dobson

The Committee resumed discussion on the series of proposed principles submitted on the previous day, and the following were agreed to as amended :—

1. Legalize contracts existing at 1st October, 1877.
2. Power for Governor in Council to take lands to mine on if owner refuse to permit mining.
3. Compensation to be estimated and paid to owner before commencement of works.
4. Compensation to be settled by Lands Clauses Consolidation Act, if not agreed upon by the parties.
5. Regulations to be contained in Bill.
6. Rent or royalty to be reserved to the Crown—1s. per acre per annum.
7. Private owners mining without a lease liable to a penalty not exceeding £5, or to forfeit all gold obtained, but this shall not apply to *bonâ fide* prospecting.
8. No lease to include lands within 150 yards of house, woolshed, sheepwash, vineyards, gardens, shrubberies, &c., &c., as in clause 16, without the consent of owner.
- 8A. Wardens to have power on application of owner to authorize inspection, and grant an injunction to restrain encroachment.

No. 9 was as follows :—

Power to convey water for mining purposes through lands other than those included in the lease, compensation being allowed, as in clause 3.

On the question being put, the Committee divided.

Contents.	Not Contents.
The Hon. J. A. Wallace	The Hon. Sir S. Wilson
R. D. Reid	R. Simson
N. Fitzgerald	J. P. Bear
F. T. Sargood	F. S. Dobson.

The numbers being equal the Chairman gave his casting vote with the Contents, and the clause was declared to be carried.

The following clauses were agreed to :—

10. No person shall mine upon or under any public highway, street, or road, without an order permitting him so to do, from the corporation having the care and management of such public highway, street, or road.
11. Owner to be defined to include mortgagee and lessee.

The Committee adjourned until 2.30 next day.

THURSDAY, 22ND NOVEMBER, 1877.

Members present :

The Hon. J. A. WALLACE, in the chair ;

The Hon. F. T. Sargood
J. BalfourThe Hon. R. D. Reid
Sir S. Wilson.The Chairman submitted draft report, each paragraph of which was considered *seriatim*, and adopted. Chairman ordered to report same to the House.

MINUTES OF EVIDENCE.

WEDNESDAY, 31ST OCTOBER 1877.

Members present:

The Hon. J. A. WALLACE, in the chair;	
The Hon. N. Fitzgerald	The Hon. Sir S. Wilson
F. S. Dobson	R. D. Reid.
J. P. Bear	

David Moore, Esq., examined.

1. *By the Hon. F. S. Dobson.*—What are you?—A merchant.
2. Carrying on business in Melbourne?—Yes.
3. Are you interested in any land upon which mining is being carried on—any private land?—I am.
4. How much?—I am trustee with Mr. Darlôt for the proprietors of what is called the Vintingbool estate.
5. *By the Hon. N. Fitzgerald.*—Situated where?—In the parishes of Smythesdale and Haddon, county of Grenville.
6. Have you one or more contracts for mining upon that?—I have two contracts: the first, a portion of land consisting of about 70 acres; contract entered into for mining 70 acres by the Reform Company in 1876, the 29th of September; the other one is with the same company. They entered into a second lease upon property consisting of 1240 acres at the same place.
7. What is the date of the second contract?—The second contract was made on the 10th of March 1877.
8. Can you say what machinery they have erected?—I am not aware of the character and extent; they will probably be able to inform you of that themselves, but they have a considerable amount of machinery.
9. Are the lands contiguous?—Yes; they are part and parcel of the one property.
10. *By the Hon. F. S. Dobson.*—What do the proprietors of the land get?—A royalty of five per cent.
11. *By the Hon. N. Fitzgerald.*—Is that upon the gross?—Upon the gross.
12. *By the Hon. F. S. Dobson.*—Both contracts are the same?—Both.
13. Have you had any complaints from the lessees as to unfairness?—None whatever.
14. Are the contracts still being carried on satisfactorily to both parties?—Yes.
15. *By the Hon. N. Fitzgerald.*—Can you form any idea of the surface damage done—was any compensation given for the damage done upon entry?—No; there is an arrangement for compensation.
16. *By the Hon. the Chairman.*—I suppose the compensation would be the five per cent.?—I suppose so.
17. Does that give them power to make races?—I could hard in the lease if it be desired.
18. Have there been any complaints of any of the inhabitants that way about this?—No. I am anxious to tell you that, prior to the arrangement of those leases for the 70 acres, and the balance to the Reform Company, this property has been attempted to be mined upon as far back as 1862.
19. *By the Hon. N. Fitzgerald.*—Is it quartz they are crushing?—I think it is alluvial; we have never stood in the way as proprietors of allowing this area of land to be mined. With that view, in 1862, Messrs. Locke and Thorne paid a ten per cent. royalty upon one and five per cent. upon another agreement; in 1869, a man named Locke had a portion, paying five per cent.; Hagan, in 1869, ten per cent.; another person, a Chinaman, Mong Gee, fifteen per cent.; Smith Tibbetts, ten per cent.; Skinner and party, in the same year, ten per cent.; in 1874, another Chinese party, Pon Chue and party, twelve per cent.; Durham and party, ten per cent. Those look a larger rate of tribute than the existing arrangement; but the fact is, that all those men tried and failed. They could do no good at it. It was only, I fancy, the larger appliances and greater resources of the Reform Company that enabled them to take it up.
20. *By the Hon. the Chairman.*—You reduced it then to five per cent.?—Yes; seeing that the other parties could do nothing with it. They were in arrears, and we could get nothing out of it, and we found the Reform Company had resources and were responsible, and we thought it better to make this arrangement with them.
21. Were any of those parties working, not upon the 70 acres, but upon the other property?—Yes; on other portions.
22. *By the Hon. N. Fitzgerald.*—Was there any arrangement as to damage, or was there an arrangement as to giving it up?—There was an arrangement for giving it up.
23. Did they comply with it?—They were all men of small means, and a very unreliable lot, and we got nothing out of our arrangement.
24. *By the Hon. J. P. Bear.*—Now the only company working is the Reform?—Yes.
25. And are they successful?—I cannot speak from memory. I think the shaft that affects us, No. 2, as they call it, yields about 100 to 120 ounces a week. We get five or six ounces of gold a week.
26. Is this land owned by absentees?—Yes. I could tell you the circumstances under which we got this land, but I am anxious not to inflict anything like a speech upon you.
27. Are the owners at home?—The owners are at home. The estate of the late S. K. Salting has a portion of it; the estate of the late Mr. Flower, a portion; Mr. Archibald MacLachlan, of Cheltenham, in England; Mr. Henry Darlôt, my squatting partner; and a Mr. Lewin, of Ballarat, in proportions.

David Moore,
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David Moore,
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continued,
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28. *By the Hon. N. Fitzgerald.*—You are sufficiently long acquainted with this to know the circumstances?—Yes.

29. Would you be favorable to legislation allowing one party to a contract, either the lessor or lessee, getting a ratification of a contract from a Minister to make it a legal and valid contract; that is, if the other party refused to carry out the contract, would it, in your opinion, be desirable that either of the parties to a contract should have the power of applying to the Minister to register this contract, and thereby giving the effect of law to the existing contract?—That opens up the question you know of what we desire, non-interference by the Crown at all. We want respect to existing contracts.

30. *By the Hon. J. P. Bear.*—Supposing you cannot get that?—I suppose it would be better. I desire to say that as preliminary, we hold particular opinions upon this subject; and a too ready acquiescence and a desire to ask the intervention of Government in an affair where we think they ought not to interfere at all is tantamount to recognition, while we object to disturb our contract. We say "Let our contracts alone; but, if they are not to be respected, we are in favor of some mode of legislation for them."

31. *By the Hon. N. Fitzgerald.*—We assume that to be easy in case both parties are willing; but, in case either party doubted the other, would you consider it desirable that either party to the contract should have the power to register the contract with the Minister of Mines, so that it should have the effect of a legal contract in law or equity?—I think that would be fair. When the Chairman said he did not want to know the circumstances under which we acquired this land, I wished to say that all our dealings ever since it was acquired have been under the belief that we had a perfect power of dealing with the gold. I am not going to enter into the question of the Privy Council's decision, but I hand in the Crown grants to show that, when they were issued, there were no reservations of minerals whatever.

32. For what period were those contracts taken—the first one?—Seven years, with the right to renew.

33. It has been mined upon for years?—Yes, ever since 1862.

34. *By the Hon. J. P. Bear.*—With the permission of the freeholder?—Yes.

35. Have the Reform Company the right to mine upon the whole of the property?—Yes, now.

36. *By the Hon. N. Fitzgerald.*—Can they sink any number of shafts?—I entrusted the drawing up of the particular regulations to one of the proprietors who was more cognisant of this than myself; but they have the power of sinking shafts.

37. *By the Hon. the Chairman.*—Are there any conditions of a labor covenant keeping a certain number of men employed?—I believe there are.

38. *By the Hon. F. S. Dobson.*—And they have the right to prospect and search for gold?—Yes; and we have the right to inspect and see that they are mining.

39. *By the Hon. J. P. Bear.*—And a right to sink shafts upon any part of the property?—Yes.

40. *By the Hon. N. Fitzgerald.*—And there is no provision for compensation for damage to the surface?—You will get all those particulars more fully from the lessees themselves, who are in attendance.

41. *By the Hon. J. P. Bear.*—Are the grazing rights reserved?—We have the grazing rights and the right to the timber upon it. We have derived something from the sale of timber from time to time during the period.

42. For mining operations?—From selling for slabs for mining purposes.

43. Have the lessees the right of taking timber for props and so on for themselves?—I am not aware.

44. *By the Hon. F. S. Dobson.*—There is a proviso that they shall not mine within a hundred yards of the homestead; and also fence in with a substantial three-rail fence all the land they may at any time occupy for the purposes of the lease and for roads. Is there any other point you wish to bring before the Committee?—No, nothing, but to reiterate the assertion that we have always been ready and willing, as proprietors, to allow people to mine and search for gold, at a moderate remuneration; and that we had ten or a dozen parties from 1862 till we got this Reform Company, all of whom failed to make the venture profitable from want of means or otherwise, and then we came to the determination to arrange with this Reform Company who were mining alongside of us, and only to exact a small tribute; and it was satisfactory.

45. *By the Hon. Sir S. Wilson.*—Are you aware of the provisions of the Bill?—I have read it.

46. How would that affect the provisions of your contract?—So far as we are concerned it would be most injurious to us. We do not want our contract to be interfered with.

47. It would give the parties the option of throwing up the contract?—It would.

48. And it would give the landlord the opportunity to repudiate the contract?—It would, abundant opportunity.

49. *By the Hon. the Chairman.*—Can you inform the Committee if there is a quantity of ground turned up for mining purposes where there is no machinery; are you aware there is such a thing?—I am not aware.

50. If a miner have put machinery upon the ground it would be like compensation, because he could not remove the machinery till he paid for the damage; but, if he put no machinery upon it, he then could do as much damage as he liked, and pay nothing?—As far as the Reform Company went, we had perfect confidence in them, and thought it would be safe to trust them, and perhaps we were less exacting than we should otherwise have been.

51. *By the Hon. J. P. Bear.*—And the working has been mutually satisfactory?—Entirely so.

52. *By the Hon. Sir S. Wilson.*—You would think it satisfactory that existing contracts should be made good by law?—I think so; but I only give that as an alternative; I entirely disapprove of Government interference.

53. You are quite satisfied with the present arrangement?—Quite.

54. *By the Hon. N. Fitzgerald.*—Are you aware that you have no right to compel the lessees to carry out their contract, except with the intervention of the Attorney-General?—Yes, but so far as our case goes, it has been so well considered, that the agreement is not likely to be disturbed. I cannot speak for instances where perhaps a bad bargain has been made, and the lessees want to get rid of it.

55. *By the Hon. J. P. Bear.*—Or where one of the parties is not acting honestly; that is where the interference of the Crown might be sought?—Yes.

The witness withdrew.

Mr. James Buchanan examined.

Mr. J. Buchanan.
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56. *By the Hon. F. S. Dobson.*—What are you?—A mining manager.

57. Of the Reform Company?—Of the Reform Company, Iladdon, near Ballarat.

58. You hold under two contracts?—The Vintingbool estate, of 1280 acres, under two separate mining leases; also 90 acres private land leased from another party, and 230 acres freehold land purchased by the company, besides some 250 acres Crown lands now nearly worked out. Our expenses in labor and machinery are very great. The present value of the machinery erected on the land is about £15,000.

59. Is the 230 acres Crown lands or private lands?—No, private lands, our own property.

60. What amount of machinery do you say you have?—We have spent about £25,000 altogether in machinery.

61. Does that include mines, and so on?—No, just the machinery requisite for the mines. We have three very efficient plants.

62. How many shafts have you?—Three; one is worked out, and we are preparing to commence another on the second portion leased of the Vintingbool estate.

63. That will make a fourth shaft you have put down?—Yes.

64. What is the extent of surface damage you have done?—We have arranged for the land. We pay a small royalty to the proprietor, and we agree to pay £5 an acre for all land injured through debris or in any other way.

65. In addition to the five per cent. royalty?—Yes.

66. You have been working there about a year?—Yes.

67. What amount of surface damage have you done?—It is very extensive. I dare say we have destroyed some eight or ten acres perhaps.

68. *By the Hon. N. Fitzgerald.*—When you say destroyed, are they small pieces all added together to form an acre?—Separate portions of ground subsiding chiefly is the nature of the injury done, but we expect to do a great amount of injury.

69. *By the Hon. the Chairman.*—Is it alluvial or quartz you work?—Alluvial.

70. *By the Hon. Sir S. Wilson.*—How does the subsidence injure the ground—is the ground broken?—Yes, deep pits, with steep sides fully as large as this room are formed, cattle tumbling in could not get out again.

71. Is it wet ground?—Very wet.

72. *By the Hon. N. Fitzgerald.*—What is the depth of your ground?—One hundred and eighty feet.

73. Does the rock and all go down?—Yes, rock and all goes down.

74. What area is your shaft?—We have to drive in small drives about the width of this table. The extent of our drives at present is over seventy miles in the Reform claim.

75. How many men do you employ?—Our claim has two shafts at present let on tribute to Chinese parties. They employ something like 500 men altogether.

76. Have you the power to sub-let under this contract?—Yes.

77. How many men do you employ upon the other shaft, which is in your own possession I presume?—That is on Crown land. The shaft itself is sunk on Crown land; but I should say we have about 200 of the number stated employed at that shaft.

78. Though the shaft is on Crown land, the workings are under private land?—Yes.

79. Was it in sinking this shaft upon Crown lands that you found that gold in the first instance?—We knew it was there; it had been proved previously.

80. How have these arrangements worked; has there been any dispute?—No; there has never been any dispute at all. It is the new Mining Bill that we are frightened of.

81. *By the Hon. the Chairman.*—You say you have got 230 acres of your own?—Yes.

82. Is that purchased land?—Yes.

83. Did you purchase that land for the sake of the gold, or for the sake of the land?—For the sake of the gold.

84. *By the Hon. N. Fitzgerald.*—You bought it from private parties?—Yes, it is only one remove from the Crown.

85. Have you read this Bill before the House?—Yes.

86. Would it, in your opinion, be desirable that the State should interfere between contracting parties in mining leases?—No, not in the way proposed at all.

87. What would you substitute?—You see we are frightened on the mines; every new legislation that has come out has introduced a fresh batch of operators, and we think that this is going to be something of the same.

88. *By the Hon. F. S. Dobson.*—You mean mining speculators—sharks?—Yes, operators, men without capital—that would be a sort of friends to both parties, and somebody else would be introduced into our company that never spent any money, and had no right to it whatever.

89. In other words, it would open the door to frauds?—Yes.

90. *By the Hon. the Chairman.*—That is, if they displace you under the Act?—Yes, we would as soon be out at once as be left in the uncertain state we are in at present. I beg respectfully to draw your attention to clause 4 in the Bill—"It shall be lawful for the Minister to treat and agree with the owners and also with the occupiers of any land entered upon, as hereinbefore provided, as to the amount of compensation to be made to them respectively in money for the damage which they may respectively sustain by reason of being deprived of the possession of the surface thereof, or of any part of such surface, as the case may be, and for damage to the surface of the whole or any part thereof, as the case may be, which may arise from the carrying on of mining operations thereon or therein, and for the expense of severing such land or any part thereof from other land of the owner or occupier by means of a fence if deemed necessary for the sake of protection or security so to do." We beg to submit that arrangements might be permitted between the proprietors and the miners to pay by a per centage on the gold on such terms as they might find most convenient.

91. *By the Hon. N. Fitzgerald.*—Instead of a fixed sum of money?—Yes, we think this will not benefit the miners at all, speaking from a miner's point of view. A class of men would step in there who would deal with the Government and with the banks perhaps to raise money, and the miners, after all,

Mr. J. Buchanan, would not be benefited by that. That is the point we wish to impress upon you. We think it is not going to benefit the real working miners at all, for they cannot avail themselves of the terms of the Act.

92. That is, as to the amount of compensation?—Yes, being paid in a lump sum, they have not the money.

93. But the surface damage would not amount to much. Say they took up thirty acres, and upon the basis of your buying the land at £5 an acre, thirty acres would be only £150?—If you have thirty acres frontage to a creek, and perhaps 1000 acres back from it, and all depending upon the thirty acres, the loss of the thirty would affect the whole.

94. *By the Hon. the Chairman.*—You think it would be much easier for a miner to go in and get the gold that way, as he went on, rather than pay it in a lump?—Yes.

95. *By the Hon. F. S. Dobson.*—If the miner finds no gold, how would you compensate the owners of the land?—There would not be much damage done, and he would only pay in proportion to the damage done, and there could be a mutual arrangement made.

96. *By the Hon. N. Fitzgerald.*—You mean that the miner should pay for the surface damage out of the gold as he got it?—Yes, certainly.

97. If the miner gets no gold, how would the owner get compensation?—He would have made arrangements with the parties.

98. We assume this Bill provides for the miners going in without the owners' consent?—I ask the Committee to let the parties make a private arrangement.

99. *By the Hon. the Chairman.*—You say, permit the parties themselves to come to some arrangement?—Yes.

100. Supposing they do not come to some arrangement, you have no objection to the Minister coming in and granting a lease over him?—No objection.

101. *By the Hon. J. P. Bear.*—But you think, in the first instance, that every facility should be given to the owners and the miners to make arrangements?—Yes, that is exactly it.

102. *By the Hon. N. Fitzgerald.*—Have you any other suggestion to make upon clause 4 except that?—No, none that strikes me just now.

103. Then the nature of your suggestion would be, that the owner and the miner should have power to come together, and that the Minister's should be merely a ratifying power?—That is all; that is exactly how I would desire to express it—that they have power, in the first instance, to agree.

104. And he should only register the agreement they make?—Yes; but, failing that, it should come under the operation of the Bill. In clause 5, that is a very complicated arrangement that I do not thoroughly understand. We would prefer that it should be referred—Compulsory entrance—There should be a mandatory clause and a compensation statute, as the shire council's appropriate rates. We know that that part of the Land Act works well, and we would prefer that to introducing new machinery for arbitration purposes. We are not so much interested in that, but as miners, we would prefer it. Clause 5.—We would prefer that there should be simply a clause empowering the Government to assess the value of the land, much in the same way as shire councils take land for roads or other works.

105. Would this clause meet your view—"The Minister may, if he think fit, on the receipt of the report from the warden, order that a valuation be made"?—That is exactly what I mean.

106. Would you consider that a report, before any entrance into private land to search for gold, should be made to the Minister, that the warden should certify to the Minister that in his opinion such land was auriferous?—Yes, or even the probability of it. I think it would be quite fair.

107. How would this clause meet your view then, "If there shall be reason to believe that any private land alienated from the Crown before or after the passing of this Act on which mining is not being carried on or on which such mining shall have been discontinued for a period of three months is auriferous, it shall be lawful for any person" and so on. Would you think the report should be first asked for before the Minister dealt with any application?—Yes; I think the miners would not be averse to that. It would be quite fair; it would prevent land being taken up for speculative purposes.

108. *By the Hon. J. P. Bear.*—Levying black mail, and all that sort of thing?—Yes, I think it would prevent such.

109. *By the Hon. N. Fitzgerald.*—If mining had been discontinued upon the land, what time should elapse—suppose a shaft was sunk upon the land and abandoned, and no other shaft sunk—what period should elapse from the discontinuance before any miner should have the right to enter upon it?—If one company abandoned it, I think a very short period need be allowed; I would not ask more than six months.

110. *By the Hon. the Chairman.*—Supposing you did not abandon it, and that some of the drives came down, and you require to sink a new shaft, and the cash was scarce, or by several means they were prevented from going on with operations, what time would you leave to them?—I would be quite willing to abide by the bye-laws for the district. You see, speculators might make a fictitious damage, or something of that kind; if it was a *bonâ fide* undertaking, they would be bound to provide money. When we expend our money we have to risk that. We know perfectly well what awaits us if we do not proceed with the work. We are quite willing to carry out all the labor clauses; we would not seek to upset the Bill.

111. You would be satisfied with the Leasing Regulations?—Yes, we would not want any immunity of that kind. I beg respectfully to call attention to clause 9, as the same optional power is claimed even more distinctly in the Regulations.

112. *By the Hon. N. Fitzgerald.*—I presume it is to the principle of non-obligation upon the Minister?—Yes, it does not say whether the reasons for refusing shall be good ones or bad ones. Now, I beg to draw your attention to clause 33 of the new Mining Regulations, that is exactly clause 9 of the Bill under another form.—[*The witness read the same.*]—At any time during the course of the proceedings he may declare that it is abandoned, both on behalf of himself and the applicant; and clause 27—[*reading the same*].

113. *By the Hon. J. P. Bear.*—You think that the power there given to the Minister is excessive?—Yes, it will introduce a new class of people altogether upon the goldfields.

114. Speculators?—I do not know what name to give them.

115. Not *bonâ fide* miners?—No, operators I would call them.

116. *By the Hon. Sir S. Wilson.*—You think that would be very injurious to the mining interest if carried into effect?—Yes, I think it would absorb all in litigation as constructive objections are invited at all stages. The class of mining we carry on could not exist under these Regulations. Mr. J. Buchanan,
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117. *By the Hon. N. Fitzgerald.*—Do you think that with regard to existing contracts, where both parties are not willing to bring the contract under the review of the Minister to be ratified by him, that either party should in the absence of the other, have power to have his contract made valid by his registration?—I think not. I take that Clunes case for instance. It would not apply to us. We are perfectly satisfied.

118. Not speaking of any particular company, but from your knowledge, do you think either party to the existing contract ought to have the power where the other party refuses to join him, to come to the Minister and demand as a matter of right that it should be endorsed by him, and have the full effect of law?—No; I think the miner would refuse a joint application only in the case of excessive royalties, so as to force the proprietor to make concessions.

119. You do not understand the question. Do you think that where both the parties to a contract at present in existence agree, the Minister should be bound to ratify a contract and make it legal?—Yes, I do.

120. Do you think that where one refuses, no matter from what cause, that the other party to the contract should not have the power?—It is a very hard case, I think, in a case of excessive charge by the proprietors.

121. No, but they are working now; supposing you refused to carry out your contract?—Yes, I would do it before the Act came in force. I would not seek to cover myself by the Act.

122. That is not the question. If you are to legalize contracts, you must do it for all purposes, for the benefit of the lessor as well as the lessee; you ought not to give an opportunity to one of them by refusing the application virtually to put an end to the contract, if you thought fit so to do?—Yes, to prevent fraudulent contracts.

123. *By the Hon. Sir S. Wilson.*—Suppose your own instances, that your landlord thought that instead of five per cent. he should have ten per cent., as you were getting large returns, do you think it would be right for the law to say that he by withholding his assent to the ratification of the contract should make it invalid?—I think it unjust in the case of a fair agreement.

124. *By the Hon. J. P. Bear.*—Do you think that one of the parties for the contract should have the power of legalizing the contract without the consent of the other?—Yes; I think strict justice demands that it should be so.

125. *By the Hon. N. Fitzgerald.*—It should be obligatory upon the Minister, upon the application of one or other of the contracting parties, to enforce this contract and give it the force of law?—Yes, it would be strictly just, and I believe the miners would accept that quite satisfactorily.

126. Have you had any other experience of any other contracting parties except the Reform Company?—Yes.

127. Do you think that a clause to that effect would meet with the approbation of the various parties now carrying on mining on private property?—The test of it is, that they will not give it up; they can abandon it at any moment; they are at perfect liberty to do so now.

128. Would legislation in the direction of this Bill produce a disruption of agreements which are now working satisfactorily?—It would be more honorable to provide for the enforcement of existing agreements.

129. Without regard to what is most honorable, which is the best for the mining interest?—I think it is the best for everybody.

130. Have you any remarks to make upon any other clause?—Yes; clause 14 is not necessary; some of them are repetitions of previous ones.

131. The thirteenth clause you think, as a practical miner, and all the clauses under which mining should be carried on, ought to be embodied in the Bill?—Decidedly.

132. The Minister to have no power at all, except what the Act strictly gives him?—No; only to carry out the provisions of the Act, and to be bound by it the same as any other person.

133. *By the Hon. T. T. a'Beckett.*—You do not mean to say that you would have the lease itself imported into the agreement by the Minister; you would say that the party should be bound to carry out the contract apart from the lease?—Yes.

134. *By the Hon. N. Fitzgerald.*—Would you give the Minister any power of insisting upon labor covenants more than you do now to the lessors?—No, no powers whatever beyond what the bye-laws of the district have already settled and approved of, I would not give him.

135. You are aware that the Mining Board Regulations are very contradictory?—But they apply to each district.

136. You know that they are set at naught every day, and enormous blocks of country are locked up under leases?—That is the reason we set about buying lands and leasing from private proprietors; we were sick of the litigation about Crown lands, and we thought we had secured a title that was good for all time—would last as long as the gold—and here we are in danger of losing all.

137. Then you considered that your position, holding private lands under a grant from the Crown, was a better title than a lease from a private owner?—Yes, our shares were of more value since we held this ground than when we were upon the Crown land.

138. How many shares have you?—8000.

139. How much is paid up?—£13,000. We have received £19,220, and we have obtained £270,000 worth of gold, and the money we have expended.

140. Pardon me. You say that £13,000 was the entire called-up capital of you company?—Yes.

141. Eight thousand shares?—Yes.

142. And you have received £270,000?—We have got £270,000.

143. *By the Hon. Sir S. Wilson.*—And you have spent all that on machinery and work except £19,220?—Yes.

144. Nineteen thousand two hundred and twenty pounds is the clear dividend?—Yes.

145. Is that beyond the £13,000 original capital?—No, that is not included in it.

146. *By the Hon. N. Fitzgerald.*—What is the quotation of the shares at present?—About 15s.

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147. *By the Chairman.*—Your ground now must be in such a condition that, for blocking out, you will go on for a long time?—Yes; but we apprehend that we shall lose it by this new legislation.
148. *By the Hon. Sir S. Wilson.*—Then you would feel it a great hardship if a law were now made by which some other person could come in and take possession of your leads that you had discovered and the ground you have proved?—Yes, we should.
149. Is there any other clause that you wish to refer to?—Yes, clause 18.
150. What do you estimate the mine to be worth?—Eight thousand times 16s.
151. That is the selling price?—Yes.
152. *By the Hon. J. P. Bear.*—Do you think this legislation has had the effect of reducing your shares?—I am happy to say that the probability of the Council taking action has had the effect of sending our shares up again; they were down very low.
153. You say you have received £270,000 worth of gold out of the claim?—Yes.
154. Is that in this particular claim that you have the lease of now, or do you include all other claims you have there?—Yes, all.
155. All the money expended by other parties before?—No; but by the Reform Company that is now dealing with the proprietor of the Vintingbool estate.
156. You have not taken that amount of gold out within the last twelvemonths?—No; within the last eight years.
157. But how much out of the Vintingbool estate—the private land?—That portion of the claim; we have expended a large amount of money in opening up that ground for which we have received nothing at all yet.
158. Upon how much did you pay five per cent.?—£19,253 14s. 5d. upon the Vintingbool estate. Up to the previous fortnight they have only received £987 8s. 4d.
159. *By the Hon. J. P. Bear.*—So far?—Yes; so far.
160. *By the Hon. N. Fitzgerald.*—How long has the Reform Company been in existence?—About twelve years.
161. What land were they working before the lease of the Vintingbool estate?—Crown lands and private property.
162. *By the Hon. F. S. Dobson.*—In the same neighbourhood?—In the same neighbourhood.
163. *By the Hon. N. Fitzgerald.*—You cannot say how much of the £19,500 worth of gold came from Crown lands, and how much from private lands?—Yes; from private lands only £19,253 14s. 5d.
164. *By the Hon. the Chairman.*—That is from all the private lands?—No; the Vintingbool estate, from our own purchased land, and 100 acres adjoining, at least £10,114 14s. 4d., and for that amount we spent £15,000 in machinery and labor before we got anything at all.
165. *By the Hon. T. T. a'Beckett.*—You lost £5000?—We are £5000 to debit at present.
166. *By the Hon. Sir S. Wilson.*—But with that shaft and machinery you could work adjoining land?—Yes; it is in a splendid position, ready to operate upon this land now.
167. *By the Hon. N. Fitzgerald.*—Is there any other clause you would like to mention now?—Yes; the last clause. It would be very hard that all our men would have to come up on the surface, and we should have to abandon our mines; if we had to abandon them for a week we could hardly get into them again, the underground workings deteriorate so rapidly; the Act would make it a felony to touch the gold in our own purchased land, and we respectfully submit that this honorable Council should legalize all existing agreements.
168. *By the Hon. J. P. Bear.*—You have spoken already of existing agreements—in your opinion then, in regard to mining upon private property for the future, do you think it would be desirable to give the freeholder and the miner an opportunity of coming to terms just as they have done now?—Yes, I think it would.
169. And going to the Minister and compelling him to ratify it?—Yes; that would be for their mutual benefit.
170. That is for the future?—Yes.
171. It would develop the auriferous lands?—Yes.
172. *By the Hon. N. Fitzgerald.*—Would this clause suit you?—“It shall be lawful for the owner of private lands to mine in or on such lands for gold or silver, and to contract with other persons to do so, but only, save as hereinafter provided, during the continuance of his estate in the said land, upon such terms and conditions as may be agreed upon, subject in each case to the provisions of this Act”?—We would be quite willing for the proprietor to mine his own land—he would either break himself or hand it over to us to mine for him.
173. When you said the miners first to report, would you think it should be any number of miners? or, if so, how many should state their belief that the land contained gold before the warden made a report upon it?—I think the best man to do it would be the mining surveyor of the district.
174. It says here—“If any number of persons not less than ten, being each the holder of a miner's right, shall state their belief that any private land, whether alienated from the Crown before or after the passing of this Act, on which mining is not being carried on, or on which such mining shall have been discontinued for a period of three months, is auriferous, and be desirous that the same shall be resumed by the State and thrown open for mining, such person, having paid a deposit of £50, may make an application in writing to the Minister that such land be resumed by the State and thrown open accordingly; and the Minister may, if he think fit, on the receipt of such application refer the same to a warden, who shall thereupon proceed, as in the schedule hereto directed, and make inquiry as to the auriferous character of the said land, and may take evidence on oath and report to the Minister on such application”?—Yes, we would agree to that.
175. The question is, whether it should be in the power of one miner to make that application to the warden?—No; I think that ten men would be the minimum number.
176. Would you think it should be more than one to have the power of putting in the application?—Yes.
177. Would you leave one?—No; I would not.
178. Not even if he had to pay £100 into the warden's hands as a guarantee?—No; he might be a speculator.

179. *By the Hon. the Chairman.*—If you objected to that then you would object to any one or two men applying for a lease?—No; I would not.

180. If you would not object to one applying for a lease, why should you object to his applying for a piece of private property?—It strikes me that I would object most decidedly, because this man might be brought for the purpose, or he might not have the knowledge. I consider one man applying for land and the right of entry involved ought to be a person that there would be no doubt about, either his character or his ability to advise.

181. Supposing he pays £25 cash down, would that be proof of his ability?—No.

182. *By the Hon. T. T. a'Beckett.*—Do you think only persons of substance should be allowed to look at land with a view of mining?—If ten miners want to secure a lease of land, I would consider that there was some probability of their being *bonâ fide*.

183. Supposing a man happened to come across a good quartz reef upon a piece of land, a poor or a rich man, whichever you like, would you not give him the benefit of that?—Yes; decidedly.

184. Without the ten men?—Yes.

185. How would he make that application without the ten men?—One man discovering a very rich piece of ground might then very easily apply to the mining surveyor of the district.

186. *By the Hon. the Chairman.*—Have you any other clause to bring before us?—Yes; in the Regulations, clause 2 and 3. I speak now with reference to the extent of the alluvial ground, 30 acres; it is perfectly ridiculous.

187. What is perfectly ridiculous?—A claim of 30 acres; in the country we are mining it would not pay for the labor of sinking the shaft.

188. *By the Hon. J. P. Bear.*—What would you alter the number to?—I would let the parties agree with the owners of the property for the extent of claim that would suit them.

189. *By the Hon. T. T. a'Beckett.*—Without limit?—Without limit.

190. Would you put a minimum?—The bye-laws in force in the district suffice for that; they provide for a shaft to be sunk for every 70 men's ground, and I think that is quite enough expenditure to incur, and we are quite willing to abide by that.

191. *By the Hon. N. Fitzgerald.*—What would be 70 men's ground in the ground you are working now?—About 210 acres; it depends upon how you measure the 30 acres.

192. *By the Hon. T. T. a'Beckett.*—Thirty acres upon a line of railway would be a very great length; would you measure along the line of reef?—No; it would not exceed three times the width in length. I think our limit is three times its width; 20 chains in width would give a claim 60 chains long.

193. *By the Hon. J. P. Bear.*—Are you speaking now of alluvial?—Yes.

194. Have you had any experience in quartz?—No.

195. *By the Hon. the Chairman.*—How did you get your ground measured; you know how leads generally run, sometimes in place of going straight they run from side to side?—We just take up an area upon the surface, and abide by that; if the lead goes outside it is not ours any more.

196. *By the Hon. N. Fitzgerald.*—Is there any other clause in the Regulations that you wish to speak of?—That is all at present.

197. *By the Hon. F. S. Dobson.*—Has the contract under which your company is working with the proprietors of the Vintingbool estate been working satisfactorily?—Very satisfactorily; it is honorably carried out, we have no trouble at all; we are quite pleased to carry it on, and propose to carry it on, and pay the rent to the Crown besides.

198. *By the Hon. N. Fitzgerald.*—You have sub-let a large portion to the Chinese?—Yes.

199. What is the arrangement for the sub-letting?—We provide the superintendence and the machinery.

200. What do the Chinese give you in the shape of royalty?—Fourteen and a half per cent. of the gross amount, and we pay 5 per cent.; we have only 9½ per cent. ourselves. We have very little profit out of it. We find the machinery and superintendence.

201. Is it steam machinery you give or common puddling?—No; ours is very valuable machinery: six large steam-engines and large puddling mills. The present market value of the machinery is £15,000 alone. Our assets are put down in the last balance-sheet at £24,766 15s. 10d.

202. *By the Hon. J. P. Bear.*—Speaking generally of the Bill, you are afraid it will introduce a class of speculators?—Yes; a class of men that have not spent any money or labor to take the profits of our works, and perhaps those of the proprietors.

The witness withdrew.

Mr. Alexander McVitty examined.

203. *By the Hon. the Chairman.*—Have you anything to add to Mr. Buchanan's statement?—I have been mining manager for about 16 or 18 years; and in reference to this Bill, from my experience, I think we would be possibly better without it.

204. Would you be kind enough to go over anything that Mr. Buchanan did not tell us—give us anything that he omitted, or any practical suggestions in regard to amending the Bill?—I cannot say that I can add much.

205. *By the Hon. J. P. Bear.*—You think Mr. Buchanan touched upon most of the things?—I think that Mr. Buchanan touched upon most of the things. In reference to the Reform Company, he did not state explicitly how we are placed; in the first place, the company commenced mining 12 years ago upon Crown lands, and spent £12,500 capital, and afterwards acquired private property. Only recently we acquired the Vintingbool estate of 1280 acres, and of course it was elicited that we got so much gold out of it—£19,000 worth. The whole of the gold that Mr. Buchanan mentioned, £278,000 worth, was got out of the whole claim—the Crown land and private property as well, over a period of eight years.

206. *By the Hon. N. Fitzgerald.*—In regard to the points—first, whether the contracting parties should go to the Minister—one party to the existing contract ought to have the power of getting the contract ratified?—Certainly, one party.

207. *By the Hon. Sir S. Wilson.*—Of course the case is still stronger where both are agreed?—Yes.

208. *By the Hon. N. Fitzgerald.*—You would make it obligatory upon the Minister to ratify?—Yes.

Mr. A. McVitty,
continued,
31st October 1877.

209. One or other?—One or other.

210. Without altering any of the conditions?—Without altering any of the conditions, because, if any party is dissatisfied, they can be left to their common law rights.

211. In regard to the Regulations, do you consider it necessary that the Regulations should be embodied in the Bill?—I believe they should. The Regulations we only got since we came here; and, glancing over them, we find they are most objectionable. Those that Mr. Buchanan has spoken of, the area of 30 acres for a claim in our district, would not suit at all. No person would invest capital upon 30 acres of land in the Haddon district to put down a shaft upon.

212. Whom would you leave to decide the area?—Mr. Buchanan has just stated that we would be satisfied to be guided by the mining bye-laws of the district.

213. That is your opinion generally, that each district's own bye-laws should prescribe the area according to the number of men who contract to work it?—Yes.

214. Seventy men would be entitled to ground that the bye-laws allow for 70 men?—Yes, upon Crown lands.

215. *By the Hon. the Chairman.*—You are aware, under the Mining Regulations, 30 acres is the largest piece of ground you can apply for; but under a special application the Minister can grant you 500 or 600 acres, if he choose?—Yes.

216. *By the Hon. T. T. a'Beckett.*—You cannot assume that an application is made by a person to work upon land that has hitherto not been mined, and is in the possession of a private individual—he might wish to have a very large slice of it, and ask for a very large area; and I suppose the object of the Regulation is to limit the extent to which a person might go in going upon land belonging to private persons, because a person might have an estate of several thousand acres, and he might apply for the whole of it?—Yes; take that piece of paper as being a block of ground, say 640 acres. Gold may be found at one corner, and may go right out of it; but, for the protection of the lessee, it may be necessary to take up the whole area, though the gold may run only half through it, because though the appearance of the country may lead to the supposition that the gutter goes through it, yet, unless the ground is bored, you cannot say so well where to put down a shaft.

217. *By the Hon. Sir S. Wilson.*—What is your opinion as to the policy of giving the Minister full power to refuse a lease for reasons which may seem good to him?—I think he should not have such power.

218. In cases where there is an existing contract?—I think he should not have power to refuse.

219. *By the Hon. T. T. a'Beckett.*—That is where mining is carried on?—Yes, where *bonâ fide* mining is going on.

220. *By the Hon. Sir S. Wilson.*—Where an owner and a miner made a contract by themselves, either in the past or future, a Minister should not have the power to refuse?—He should not. This is an additional clause that we drew up as a recommendation, "Provided also, that the owner and the applicant shall be at liberty to arrange between themselves the terms of compensation to be paid to the owners, either by a money payment or by a per centage of the gold to be obtained."

221. You would modify that by allowing one party to apply?—Yes.

222. *By the Hon. J. P. Bear.*—Do you know of any auriferous freehold land in your district upon which the owner refuses to let mining go on?—I know of none.

223. *By the Hon. N. Fitzgerald.*—Did you ever hear of any case in another district?—The only case I know of is in the Rokewood district, where the owner would not let it, except upon certain terms; he was willing to let it be worked.

224. Did he come to terms?—Yes, it is being worked now.

225. *By the Hon. J. P. Bear.*—Do you think that this Bill will not facilitate the working of auriferous lands?—It will not.

226. Do you think it will raise up a class of speculators?—I think it will raise a class of men that will not carry on mining.

227. *By the Hon. T. T. a'Beckett.*—Do you think it undesirable that there should be any legislation upon mining on private property?—I think there should be.

228. What?—To legalize existing contracts, and for the Crown to compel the owner to take compensation for his land. The former Act sent to the Legislative Council is a much superior Act to the present one.

229. *By the Hon. F. S. Dobson—(to Mr. Buchanan).*—Do you know any instance where an owner absolutely refused to allow mining on his property upon any terms?—I do not.

Mr. William Rogerson examined.

Mr. Rogerson,
31st October 1877.

230. *By the Hon. the Chairman.*—What are you?—Manager of the Trunk Lead Mining Company, adjoining the Reform Company.

231. You have heard the evidence given by the two former witnesses?—Yes.

232. Can you give the Committee any different information from what they have done?—Our case differs from the Reform Company somewhat. We hold a claim upon Crown lands, and in addition to that we have purchased 346 acres of freehold property adjoining; for that property we paid £2300, which represents £900 also as the value of the mining right in excess of the actual value of the land itself, we have expended £27,000 in cash.

233. *By the Hon. Sir S. Wilson.*—Your capital in the first instance?—Capital and money borrowed and we have also expended £76,000 worth of gold we have obtained from the mine.

234. Of course you are in debt?—Yes, we are now £4000 in debt, and have had no return from the mine whatever as yet, in the way of dividends.

235. What is the mine worth now?—It is only recently that our yields have improved a little, little more than the mere nominal value. In fact, in regard to the freehold property we have purchased, if we were prevented from mining under it we should be ruined; we should have to cease operations, for the lead we are working upon the Crown lands is trending towards that, and all our prospects depend upon our getting the gold in the private land—we have traced it to that land.

236. You have heard the questions asked the last two witnesses; do you differ from them?—I do not. As to clause 4, in reference to the owner and the applicant being at liberty to make terms; I think

that is a very proper suggestion, and I quite agree with it, for it is not always convenient to the company or individual to pay down money in cash; it suits them both much better very often to pay a certain per centage of the gold, and if both parties are willing to come to terms I see no reason why they should be interfered with. After the owner and applicant have come to terms, then let the power of ratification only rest with the Minister. If the owner however will not come to terms, then after a reasonable time let the land come under the operation of the law.

Mr. W. Rogerson,
continued,
31st October 1877.

237. *By the Hon. J. P. Bear.*—You speak of existing contracts?—I speak of future contracts only.

238. In future contracts, should either party have the right to make it valid?—Certainly, because it is open to either party to back out; and I think it is a bad example to set to the mining community to allow persons to break through contracts that have been entered into in good faith.

239. *By the Hon. N. Fitzgerald.*—You must remember that though now you have no power to enforce one of those contracts, if it were made legal you would have the remedy that you have now; at present we take the law to be that, if I take a contract the person left behind has no remedy against the party breaking it, but if the Minister fiat this contract and it had the force of law, the retiring party from that contract would be amenable to the law as much as any person breaking the contract?—I think the owner of the land is very unlikely to break through a contract, because the arrangements that were entered into before the Act would be probably as satisfactory or more so than any arrangement made afterwards, and if the miner retired it would probably be because the ground had proved of little or no value.

240. You have heard the evidence taken about the power of the Minister. Do you agree with the other witnesses?—I do. I think it is most objectionable, and a most monstrous proposition altogether, that the right of granting a lease, where the conditions have not been complied with, should be with the Minister, or the right of refusal either. I think that the terms under which leases can be obtained should be clearly set forth in the Act, and if the applicant has complied with those conditions, he should be able to ask his lease from the Minister as a right and not as a favor; I think that the Act ought to be self-interpreting in that respect, and it ought to be as clear for us, the community, as for the Minister.

241. *By the Hon. J. P. Bear.*—Are you aware of any land in your district upon which the owner refuses to let anyone mine?—No, none.

242. *By the Hon. the Chairman.*—Is there any mortgage for the £4000 upon your company?—Yes.

243. And if this Bill was carried in its present state, would it destroy the security of your mortgage?—It would be very insecure indeed and we should be entirely at the mercy of our bankers.

244. What would their security be, supposing you were deprived of your land?—The plant and machinery and the uncalled capital, £2025. I would say that I quite agree with what has been said, that the conditions under which these leases should be held should be the labor covenants of the bye-laws of the particular district.

245. The leasing regulations would do that, would they not?—The regulations differ in different districts. I think the bye-laws are a safe guide, seeing that all those things were considered when the bye-laws were framed, and the area to be held should be proportioned to the depth of the sinking.

The witness withdrew.

Adjourned to to-morrow at half-past Two o'clock.

THURSDAY, 1st NOVEMBER, 1877.

Members present:

The Hon. J. A. WALLACE, in the chair;

The Hon. J. P. Bear
R. Simson
R. D. Reid

The Hon. T. T. a'Beckett
Sir S. Wilson
F. S. Dobson.

Mr. James Gray Weddell examined.

246. *By the Hon. the Chairman.*—You come from Sandhurst?—I do.

247. *By the Hon. J. P. Bear.*—What are you?—Mining manager.

248. Of what company?—About twenty or thirty.

249. *By the Hon. the Chairman.*—Have you read the Bill now before the Committee?—I have carefully looked over the Bill and the proposed amendments by the Hon. Mr. Wallace. I quite agree with all of them. There is one little thing in clause 16.

250. You say you agree with all the amendments proposed by me?—Yes.

251. But there is one you do not agree with?—No, I do not say that. There is a slight omission in clause 16. There ought to be a distance stated from buildings.

252. *By the Hon. J. P. Bear.*—For exempted land?—Yes.

253. *By the Hon. R. D. Reid.*—What distance should there be?—One hundred feet, at least.

254. How about a garden, if a person had a garden?—It should not be near the gate. It would not do to sink a shaft and pile the mullock against the fence or the gate. It would be a hard thing to state the distance. The fence might be half a mile from the garden or orchard.

255. A garden or orchard under this is exempt under this Act?—Yes, but it would be very hard lines if a person were to sink a shaft, and pile the mullock up against the gate.

256. *By the Hon. J. P. Bear.*—What distance do you say there should be?—I would not allow the mullock to be within thirty feet from any fence.

257. Within what distance would you allow a shaft to be sunk?—I should say sixty feet.

258. *By the Hon. R. D. Reid.*—That is from a garden fence?—Yes, garden fence.

259. *By the Hon. J. P. Bear.*—Do you think that would be safe?—I think so.

260. No eye-sore to the property?—Certainly it would be.

Mr. J. G. Weddell,
1st Nov. 1877.

261. *By the Hon. the Chairman.*—You would not have it in such a way that if the owner wished to let it go closer, you would not interfere?—No, I would never interfere with any agreement between the parties, in any shape or form.

262. *By the Hon. J. P. Bear.*—You think that would be an eyesore to the homestead?—Of course it would, but if the owner did not object, I would not object to it.

263. But I speak of a case where the owner did not consent?—Then I would not allow it. The mullock may be piled against a fence and the goats might get over the fence upon it and do endless damage.

264. If the mullock was piled up within 30 feet of a fence the chances are that goats would get over?—Yes, and of course a person may want to drive a horse and cart in, or a carriage.

265. *By the Hon. R. D. Reid.*—In the Regulations in clause 3, would 30 acres be sufficient?—These Regulations have been drawn up for reefs. I have never had any difficulty in getting a larger area applied for. I find that if it is over 30 acres, all I have to do is to write to the department and ask the Minister for the time being to instruct the warden to hear applications number so and so. All the applications are numbered, being over the Regulation 30 acres, it has always been granted.

266. That is Crown lands?—Yes.

267. *By the Hon. J. P. Bear.*—We are dealing with private lands now?—I think if the owner and the applicant can agree as to the extent it ought to be granted at once without any difficulty at all.

268. But this is to provide for mining upon private lands without the consent of the owner?—

269. *By the Hon. R. D. Reid.*—Is 30 acres sufficient for a claim?—Certainly not, it depends upon the depth. It might cost £5000 or £6000 to sink a shaft—30 acres would not pay for it.

270. *By the Hon. J. P. Bear.*—Are you speaking of quartz?—No, alluvial.

271. You say the Regulations refer to quartz alone?—Of course a lode is a reef.

272. *By the Hon. R. Simson.*—There are two distinct things set out; one is the area in acres, and that is for alluvial, and the other is the length along the line of quartz?—Yes.

273. *By the Hon. R. D. Reid.*—I want to arrive at what quantity of land you consider necessary in deep sinking to carry on extensive work, suppose you spent £20,000 or £30,000?—It would all depend upon the surrounding circumstances.

274. Taking the mines that you know that are working?—I consider that carries a very good lease if you get thirty acres upon the reef, and, in alluvial, I consider that it is quite small enough if I have two hundred acres.

275. *By the Hon. R. Simson.*—Bear in mind that your lease is only to be for fifteen years?—Yes, but you can always get it renewed.

276. *By the Hon. J. P. Bear.*—In mining that two hundred acres, how would you take it upon the surface; you would have to guess at it?—Make a rough guess at it, that is all.

277. Guess the way the lead ran?—Yes; it might take a turn and come out at a corner of your lease.

278. Some leads are confined within narrow limits?—Yes.

279. Therefore, in that description of country you would require less superficial area?—Of course it would depend upon the width and upon the quality of the stuff you get out. The only thing, as I say, is to take the surrounding circumstances.

280. *By the Chairman.*—This is according to Mining Regulations at present for leases?—I think that stands good.

281. Then a man may apply for a lease and get thirty acres granted, and his partner gets another thirty acres?—Yes.

282. If they did not allow any extra quantity of ground for one individual they can get more leases?—The manager of a claim can see which way it is going to trend. If he sees a chance no doubt he would apply for a lease on the side it is trending to.

283. *By the Hon. J. P. Bear.*—You say you have upwards of twenty mines under your management?—Yes, at the present time. I was manager of about ninety-five at one time.

284. Are you a manager of any mines upon private freehold property?—Yes.

285. How many?—One.

286. What is that?—The New Chum Tribute.

287. You have a lease of that?—Yes.

288. From a freeholder?—An agreement; what they call a tribute agreement.

289. How are they working?—Very well.

290. It is mutually satisfactory between the lessor and lessee?—Yes. I applied for two small leases since, 4 feet wide and up to about 150 feet long. We found that the surveys did not tally, and last Saturday the owner of the ground came to me and said it would be rather awkward for us to find a tribute. He said I had better call a meeting of the directors, and reduce the per centage, and pay the whole of it.

291. *By the Hon. R. D. Reid.*—What per centage do you give?—Twelve and a half, and he came to me and offered to reduce it to nine.

292. *By the Hon. J. P. Bear.*—Are you aware of any auriferous land in your district where the owner sets up his back against mining?—Never.

293. You always find they are willing to come to arrangement?—Yes.

294. *By the Hon. R. Simson.*—Do you see any necessity for this Bill at all?—None at all.

295. None at all?—The only necessity that I see for it is that, if a person encroaches upon your land you can sue; at present you cannot. Take that Royal Hustler. We have a permit from the city council—it is not a freehold—the council have a Crown grant for it, and the parties upon the opposite side have a freehold. We were a good deal lower than they were, and they were right over our heads in our ground.

296. *By the Hon. R. D. Reid.*—Working?—Yes; and there is no law at present to prevent it, unless the Attorney-General stepped in. This would legalise it. That is the only thing I would like to see the Bill pass for.

297. *By the Hon. J. P. Bear.*—Then a Bill to legalise mining upon private lands would be quite sufficient?—Quite sufficient.

298. For all purposes?—For all purposes.

299. To develop auriferous deposits?—Yes; to prevent one man encroaching upon another.

300. *By the Hon. R. D. Reid.*—Do you think it would be better to leave the agreement to be made between the owner of land and the miner himself, or in the way it is proposed?—Certainly, it would make far better terms for both parties.

301. *By the Chairman.*—Supposing the parties cannot come to terms, would you leave it in the hands of the Minister?—Yes; if you cannot come to terms.

302. *By the Hon. J. P. Bear.*—The Minister to decide the terms?—Yes; of course; they have the usual appeal under the Mining Statute.

303. With regard to existing leases, what is your opinion that one or both parties should have power to register the existing contract with the Minister to make it legal?—I should say both parties do it.

304. Not one?—I think not.

305. Why not?—One could object at once.

306. Exactly?—But you could not compel a person to take a lease unless he wanted it.

307. Supposing a freeholder would not agree with a lessee to have his contract registered, do not you think the lessee should have the right to go to the Minister and say, "This is our contract; register it"?—Certainly.

308. Would you give the same privilege to the lessee and the lessor?—Yes; certainly.

309. You did not see the drift of the question at first?—No; I think one party should have the option.

310. Are there any clauses in the Bill that you would like to speak upon particularly?—No.

311. *By the Chairman.*—You see the clause proposed by myself in reference to the waterworks—have you ever known any hardships that have shown the necessity of passing a law such as is proposed there in reference to water-races?—Yes; you will see a case in the Sandhurst paper this week. Some twelve months ago the manager of the Catherine Reef was sued by Mr. Shadbolt. The Catherine Reef has been in existence I suppose over 20 years. I think they wanted something like £200 or £300 damages.

312. *By the Hon. R. Simson.*—What was it for?—For running down what they call the slum and refuse—running down the usual channel and creek they had been in before the man bought the ground at all. And in the *Argus* this morning, Gerald and Allman, the jury could not agree. People would go and buy a piece of land for speculative purposes, and put the screw on and sue.

313. *By the Hon. J. P. Bear.*—Some of the witnesses we examined yesterday thought that this Bill would create a very undesirable class of speculators in mining property, who were not *bonâ fide* men at all; is that your opinion? would the Bill facilitate the operations of men of that class, not *bonâ fide* miners or freeholders?—From my experience, I have always found that perhaps a dozen or two in any community are always looking out for those particular things; if they thought there was a good spec., then they would get a lease, and float the thing at once. They would not go or be turned out so long as they get the promoters' money.

314. Do you think such extreme powers as are in this Bill should be given to the Minister?—I would never leave it to the Minister at all, if I could help it; it is only delay in time, and a lot of red-tapeism. The terms would be far better made between the applicant and the owner.

315. *By the Chairman.*—That is if the parties can come to terms, but if the parties do not come to terms, then you would leave it to the Minister?—Yes.

316. *By the Hon. R. D. Reid.*—Or to the warden's court; which would be better?—To the warden's court; I consider that is far better.

317. *By the Hon. R. Simson.*—Would you prefer to be with or without this Bill altogether?—We require a Bill to legalize stopping encroachment, that is the only necessity I see, to legalize suing and recovering for the gold taken out by any one encroaching, that is the whole matter.

318. If a short Act were brought in to legalize existing contracts and to prevent encroachments, do you think that would meet all the necessities of the case?—Everything, as far as my experience goes.

319. *By the Hon. J. P. Bear.*—Some of the witnesses yesterday said they were always very glad to see freeholders commence mining on their own account, as they were always very glad to give it up soon and let it to a company?—I never saw a freeholder commence mining yet.

320. But they have always been very ready to come to terms?—Yes, always, both applicants and the freeholders.

321. What do you think of the last clause in the Bill, the 17th?—I do not think it wants action at all.

322. What do you think of it, should it be there or not?—That never ought to have been there.

323. *By the Chairman.*—Do I understand you about that watercourse that you consider it very necessary that such a clause should be passed?—I do, not the slightest doubt about it, that is the new clause.

324. Did you look through the Regulations?—There are one or two I put a mark against. In clause 8 of the Regulations, the last paragraph, it says—"shall erect posts two feet six inches high above the ground, painted white, defining the extent of the area below the surface, and similar posts, painted red, defining the area of the surface land, in respect of which respectively he shall consider the lease ought to be granted." Of course it is utterly impossible, a person could not do it, those red pegs; of course it is something that is not at all wanted, it is utterly impossible for a man to tell the particular piece of ground that he intends to break the surface of.

325. *By the Hon. R. Simson.*—Why should not a company take the same amount above ground that they do below ground?—I think the four posts would be quite sufficient, for you cannot tell the exact piece of ground you are going to take—that might alter every day in the week.

326. *By the Chairman.*—Is it not in accordance with the present Mining Regulations?—No, the two sets of posts are something quite new. In the ordinary Regulations it is *vice versa*; it says pegs painted white shall define the ground.

327. You have to put in four corner pegs?—That is all that is required, but there are eight pegs here; you could not possibly do it—it is impossible.

Mr. J. G. Weddell,
continued.
1st Nov. 1877.

328. *By the Hon. R. Simson.*—If you are going upon private land, and you wish to take a lease of that land, you must define the quantity of land you want to take a lease of?—Yes, define it just as in the present Act, by four posts painted white, 2 feet 6 inches high.

329. *By the Hon. J. P. Bear.*—You must define in some way the area of the ground?—Yes, do it as it is done now.

330. You think that would be ample?—Plenty.

331. That would carry the underground working as well?—Yes.

332. *By the Chairman.*—You are satisfied with the present system of pegging off the ground for the present gold mining regulations?—Yes; in fact you could not carry out this at all with the eight pegs.

333. Is there anything else you wish to mention?—Clause 25; it allows the Governor-in-Council to be judge who shall have the preference to the land. My opinion is that there ought to be an easy mode of giving notice—say to the Minister of the Crown—to show cause why he should not issue the lease. For instance, there is a *Gazette* notice according to the Regulations has got to be gazetted a month before the application for the lease is granted. Why should there be a notice at all, unless it is to intimate to those parties who are either willing for the grant to be made, or against it? As there is going to be notice, I think there ought to be an easy mode to give notice that they will compel the Minister to issue the lease, or to prevent its being granted.

334. *By the Hon. J. P. Bear.*—Do your remarks apply to present or to future leases?—To the future.

335. If the miner and the freeholder are agreed, the Minister should be compelled to issue a lease?—Yes.

336. And, with regard to existing contracts, should it be compulsory upon the Minister to legalize them?—Yes.

337. That is your opinion?—I think so.

338. *By the Chairman.*—Suppose there were four or five applications at the same time, and the owners and the miners could not agree, and the application is sent in to the Minister, would you give any priority?—I should certainly give it to the man who marked it out and complied with the Regulations first.

339. *By the Hon. J. P. Bear.*—You are speaking now of freeholds?—Yes.

340. *By the Chairman.*—You would give the same conditions in private property as on Crown lands?—Yes.

341. *By the Hon. R. Simson.*—There is a case here where two might apply at the same time: how is that to be decided?—They may apply, but they could scarcely possibly mark it out at the same time. The first man upon the ground that gets in his pegs should get it.

342. In the Regulations it is not the first man who pegs out but the first application?—I think so many days are granted; you first mark off the ground.

343. *By the Chairman.*—Are you not going entirely under the Mining Regulations, because here you cannot get into the ground to mark it off. Is not this Regulation therefore correct, that the first applicant should get it?—Then I would give it to the man who made the first application. I think clause 27 is not right; it says, “If the Governor in Council shall refuse to grant a lease, the application shall be deemed to be abandoned, and such abandonment shall take effect from the date of the notice of such refusal appearing in the *Gazette*, as provided in that event by these Regulations. And the amount of compensation (if any) paid by the applicant shall be returned to him.” I do not see that the money should be returned at all, for it might cause the owner of the ground to be at some cost; it is not, under the ordinary Leasing Regulations.

344. *By the Hon. J. P. Bear.*—You think that is a very arbitrary power?—I think so. I think the money should be lodged, and the cost that the owner of the ground was at should be deducted from it.

345. *By the Hon. T. T. a Beckett.*—What is to be done with the compensation money?—The owner of that land might be at considerable cost.

346. What considerable cost would he be at?—By the Act he has to supply a copy of his Crown grant, and things of that sort.

347. What do you propose to do with the compensation money?—I would allow the warden to say what amount should be deducted from it, and hand it over.

348. Then your idea is that the compensation money should be returned, less the costs incurred by the owner of the land?—Yes; there is a contradiction between the Act and the Regulations, and the Act says that the costs shall be paid, the Regulations say the deposit shall be returned.

349. But the compensation means compensation for the land; if he abandons the land, the owner cannot have compensation for land that has not been taken, and which he keeps?—Certainly not. What I suggest is—would a fair amount of money be paid to the owner for the cost he has been at?

350. *By the Hon. J. P. Bear.*—If any?—Yes, if any.

351. And the balance returned to the applicant?—And the balance returned to the applicant.

352. Speaking generally of this Bill, do you think it is a Bill that will facilitate the obtaining of gold from private freeholds, or is it likely to encumber it?—It will not facilitate mining on private property any more than at the present time, but it will legalize it, and will prevent people encroaching one upon another.

353. Who is the owner of the freehold—you are connected with one mine upon freehold?—Yes, his name is Mr. Bullen.

354. He is a freeholder, is he?—He is a freeholder.

355. And the arrangements work well?—Very well.

356. What district is that in?—Sandhurst.

The witness withdrew.

Mr. David Lorimer examined.

357. *By the Chairman.*—Where do you live?—At Stanley.

358. That is in the Beechworth district?—Yes.

359. *By the Hon. J. P. Bear.*—What are you?—A miner.

360. A mining manager?—I am the owner of a claim.

361. *By the Chairman.*—Is it upon Government land or private land?—Government land. I am a water-race owner; one of those big water-races and tail-races. It is a peculiar mode of mining altogether.

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362. Have you been through the Mining Bill?—Yes.

363. You were in the room yesterday when some evidence was given by the witnesses here—can you give us any additional information to what they gave yesterday—will you say what you agree with and what you differ from?—The evidence I would direct your attention to is more a defect, or omission from the Bill you are now considering. There is one peculiar feature at the Ovens. In order to mine the auriferous land there, it is necessary to construct races to divert the water, for the great bulk of the auriferous land is washed away from the grass to the bed rock. It is not mining, as mining is generally understood about the most of the other diggings; the earth is washed away bodily. To do that, hundreds of miles of races are constructed to convey water in all directions; and as one portion of the land is worked out, the race owner has either to extend his race further on to another block, or to alter its course, perhaps to go round or through another range, as the case may be. In many cases they tunnel through the range, or divert the water in some way. In doing so, it frequently happens that land has been alienated in the course of the races, and of course when the race owner comes with his race he must carry it through upon the level, or depreciate it further by dropping. He must come to terms if possible with the land owner to carry the race through. Of course the land owner in that case is exactly in the same position as a land owner who has auriferous land in his possession is; but this land owner's land is not auriferous; nobody supposes for a moment that there is a speck of gold in it; but he knows that the race owner cannot reach the Crown land where the gold is, and he is master of the situation, and he makes his terms, and we must either pay his demand or drop water down at his boundary, and pick it up again after passing his boundary. In doing so of course the value of the race is depreciated, because the higher you can take the water the more valuable it is, commanding more ground.

364. *By the Hon. R. Simson.*—Cannot you meet that difficulty under the Land Drainage Statute?—No, that does not apply. This is not drainage.

365. *By the Hon. J. P. Bear.*—What do you suggest?—It strikes me and a good many more that now when there is a Mining on Private Property Bill, if it could be done in the way that the Hon. Mr. Wallace proposes in his amendment the object we have in view would be accomplished. Mr. Wallace has given notice of his intention to propose amendments in clause 2, making it lawful for the Governor in Council, in the name and on behalf of Her Majesty to grant, subject to the provisions of the Act, a lease of any mines containing gold or silver in or under any private lands, with the right to enter and mine in or on the whole or any part of the surface of such lands. Now in addition to that, since power is now taken to go into private land to mine for gold, what we want is power to do something else that is absolutely necessary to reach the land where the gold is and to get the gold that is in it. I think something like this should be inserted—“And to cut and construct races, dams, and so on, whether the ground is auriferous or not.”

366. That is not mining on private property?—That is not mining for gold, and of course it is not mining on private property, but it is doing another thing that is essential to mining.

367. *By the Chairman.*—Conveying water to the gold to mine for gold?—Yes.

368. *By the Hon. R. D. Reid.*—You want power to go over any man's ground with your race?—Yes.

369. *By the Hon. J. P. Bear.*—With or without compensation?—Of course paying compensation.

370. Who is to be the arbiter?—The Bill provides all the machinery.

371. As a freeholder, would you like to have such a clause inserted if you were a freeholder?—Perhaps I would not like to have my ground cut up any more than if I were a freeholder. I would like a man to come in and mine upon it; but, if it is expedient, such a power might be given. I have a piece of freehold were I live, and I have not stood in the way of two parties going through it with their races, and I never offered any objection.

372. Did you get any compensation?—None whatever.

373. *By the Hon. R. Simson.*—What size are the races?—About 3 feet deep and 18 inches wide at the bottom, and 2 feet or 2 feet 6 inches at the top. If a man puts up his back he puts an end to mining. The same thing occurred on mining claims. A claim-holder on the goldfields has the right to mine within his claim, but he had also the right to exclude other persons from coming into his claim to cut and construct races and so on. The consequence was that it was necessary for the Local Boards (who have power under the Statute to frame regulations regulating the rights and privileges of the claim-holders) to make a bye-law which met the case as to claims and residence sites held under miners' rights. I will read it.—[*The witness read the same as follows:*]

Bye-law No. 51.—Races on Occupied Crown Lands.—When the owner of any claim shall require for its efficient working to enter upon and to cut, construct, and use a race, tail-race, drain, or box-flume through or upon any claim, business or residence site, or under, over, or across any other race, tail-race, drain, or easement held and enjoyed by any other person under the provisions of these bye-laws, he shall be entitled to do so and to enjoy the same rights and privileges, and shall incur the same liabilities and obligations in respect of the same, as if it were cut or constructed on unoccupied Crown lands: Provided he cut, construct, frame, and form such race, tail-race, drain, or box-flume in such manner that it will not prevent mining operations being carried on in the claim, or injure the race, tail-race, drain, or easement through or upon or under, over, or across which it may be cut, constructed, and used.

That is very sweeping, but it is absolutely necessary. It could not be so sweeping in the case of a freehold.

374. *By the Hon. J. P. Bear.*—Why not? To make it operative it must be as sweeping?—But there was no compensation in this case. I would never dream of forcing a way across a man's private land without compensating him.

375. *By the Hon. the Chairman.*—Do you think these races are objectionable going through land—for instance, supplying cattle with water?—In many cases they are a perfect godsend, and would be accepted as such.

376. *By the Hon. J. P. Bear.*—In those cases do you think the owner would object?—In some cases they do, and exact an exorbitant sum. I have known cases where they compelled the race-owner to purchase the ground and the buildings upon it at an immense price, and then he had to excise his race and re-sell the balance of the property.

377. You have known an instance of that?—Yes.

378. *By the Hon. R. Simson.*—What do you call that kind of mining?—Sluicing. The way that the Government do when land is alienated where these races are in existence is this:—The Government

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excise about half a chain along the course of the race, and allow that to remain Crown land, and they invariably do that. Of course the freeholder gets the benefit of the water through his paddock without ever paying for it.

379. *By the Hon. J. P. Bear.*—Could the freeholder in that case use the water without paying the miner for it?—He could not use it, he would have to bucket it out; it is running in the channel.

380. It is an open cut?—Yes.

381. He could use it?—Yes, if he got it out.

382. His cattle could drink?—Yes; they make little sloping banks.

383. In that case could the miner exact anything?—No, he has no right. They tell me that the cattle have a right to drink as much as they like by the common law.

384. *By the Chairman.*—The Act excepts from surface occupation for mining all gardens and orchards?—Yes.

385. Do you agree or disagree with that?—As far as mining goes of course I should agree with that, but in the case of going through gardens and orchards it would destroy the value of the race as much as even if they were not allowed to do that.

386. But speaking of mining under ground?—Yes, I certainly say, without the consent of the owner, I would not allow it if they are going to destroy the man's property.

387. But you say the gardens have just as much effect of destroying the mining operations of sluicers as the paddock?—Yes.

388. Are you in favor of carrying water through gardens and orchards?—Yes, of course the owner would have to be protected in some way or other; it appears the Minister has to agree as to the expense of compensation and so on, and also as to the expense of severing any part of the land.

389. *By the Hon. J. P. Bear.*—Has that reference to water?—No, but the same machinery applies, the same wording would bring in the race as well as the mining.

390. *By the Hon. the Chairman.*—Can you convey the water through the gardens without any inconvenience to the proprietor?—In some cases it could not be done without any inconvenience.

391. *By the Hon. J. P. Bear.*—Without damaging the value of his property?—Without damaging the value of his property. In the case of a clear water race I should say it was to his advantage, because he could appropriate a little clear water to irrigation on the quiet, but muddy water no man would care about coming through his property under any circumstances.

392. *By the Hon. the Chairman.*—Is it possible to convey the water by a pipe or a flume or covered race?—Yes, it could be done in that way.

393. So that there would be no danger for children, and you could grow vegetables or anything over the top of the race just as if the race was not there?—Yes, it could be done.

394. The proprietor need not object to the race going through his property in that way?—No, I think that is as reasonable a compromise as could be effected.

395. *By the Hon. J. P. Bear.*—That the owner should not be a party to it at all—you could take it through his property, his garden, without his consent?—By paying compensation.

396. Under his house, for instance?—That is rather an extreme case.

397. *By the Hon. R. D. Reid.*—Have you, in all your experience of gold mining, known any owner of land who refused miners to mine upon his land upon any terms?—I do not know of a single instance; but there really have been very few cases of mining upon private property in our district. Very little auriferous land has been alienated.

398. *By the Hon. the Chairman.*—You have already mentioned that, in cutting races, you have found, in many cases, parties would not agree to it?—Yes, in many cases.

399. And many did agree to it, and made exorbitant charges?—Yes.

400. And if you did not take the water through that piece of ground, you would not have been able to mine the particular piece of ground you wanted to mine?—No, they would not. It is just for the Council, of course, and both Houses to consider. It is a question easily comprehended; it is the same as going in to mine—the same clause as is wanted in the one case to mine is wanted in the other to carry the water.

401. *By the Hon. T. T. a'Beckett.*—Is there much general mining in your district?—Yes.

402. How do you account for there being so much mining on Crown lands and so little mining on private property in your district?—Because the local mining boards have been very vigilant in watching the alienation of land supposed to be auriferous. There is not much more than 1000 acres of auriferous land that is believed to be payable in the vicinity of Beechworth.

403. *By the Hon. R. D. Reid.*—That is held by private hands?—Yes.

404. *By the Hon. the Chairman.*—You know the Yackandandah Creek and Reid's Creek?—Yes.

405. The fall of the water from Beechworth district runs down towards Eldorado, and the fall of the Nine-mile, and that country, is all to Yackandandah?—Yes.

406. Suppose any person takes up a piece of ground alongside these creeks, and summonses a party for running the tail down the creek and gets an injunction against the party; what would be the result of that?—That question can only be answered by a lawyer; and I have asked the question, and it was stated that common law rights are preserved.

407. But what is the practical point of view, as far as the miner himself is concerned?—It would simply put an end to the mining altogether if the freeholder asserts his rights at common law, and demands that the water shall not be polluted, or that the water shall not be diverted, for all the water has to be diverted.

408. *By the Hon. J. P. Bear.*—Have you ever known an instance where a freeholder did it?—No, never; but I believe it is quite competent for any freeholder to do it.

409. *By the Hon. R. Simson.*—That sluicing you have been describing, is a sort of mining that is almost wholly confined to Beechworth?—Nearly; the Omeo district has a great deal of it; at Castlemaine there is a little of it.

410. There is none at Ballarat, I think?—Yes, there is some at Ballarat.

411. Is the Black Hill what you call sluicing?—I am not acquainted with Ballarat, but I know there is some.

412. *By the Hon. J. P. Bear.*—It occurs in all rangy country?—Yes.

413. *By the Hon. the Chairman.*—Did you see the clause that was approved in reference to water races?—Yes, I saw it some time ago.

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414. Do you think that clause would be valuable to the mining community generally?—As far as my personal experience goes I have never felt that shoe pinch, nor knew any one else feel it pinch in this direction; for the whole valley from the top of the range right down to the Murray, all the creeks or streams are more or less polluted, and I never heard of a freeholder who tried to stop it.

415. If a freeholder were to get an injunction against you for running off the dirty water you have been running off for the last 25 years, what would be the result?—It would put a stop to my operations, and it would put a stop to all the mining operations of the district—you pollute the stream in any case.

416. *By the Hon. Sir S. Wilson.*—You could have settling dams where the sludge settles?—As I understand, the freeholder has a common law right to prevent the diversion of water at all from the stream.

417. *By the Hon. R. Simson.*—Do you approve of this Bill; do you think it would facilitate mining on private property?—No, I think not in the Beechworth district. The little mining on private property that is going on is by persons who have bought the freehold absolutely. It is necessary that they should do it in that case, because they really destroy it absolutely—wash it away from the grass down. It is no use to begin unless you wash it right bodily away. I think in a case like that, it is quite absurd to have a clause saying that a man shall be liable to get twelve months' imprisonment if he attempts to prospect the ground; because he is not, upon the mere strength of the Mining Surveyor's report or any one else's, going to put his capital into the undertaking of washing the ground away—he must have something more, some more tangible ground than that, and I think if a freeholder wants to do this there is a sufficient guarantee against risk in other persons being willing to take advantage of his discovery. Under the fifteenth section, if he discovers gold and goes to work, it would be competent for any of the public to come in before him and make application for a lease. That would be surely a sufficiently deterring influence without a penal clause. The public is not going to be injured by a man working—it is better surely for him to prospect.

418. *By the Hon. T. T. a'Beckett.*—You think it highly necessary that every person who mines, whether upon his own land or Crown lands, should mine under the general regulations under a lease from the Crown?—I think it should be necessary that they should be under the covenants and conditions, so that if they did not comply with the labour conditions they should be liable to forfeit. The labour conditions in some districts would not apply to Beechworth; but I see power is taken in one of the clauses (although present regulations would not by any means suit, they would practically put a stop to mining upon private property), to frame regulations, and to alter, add to, or rescind, and such regulations may be applicable either to all private land in the colony, or to any part thereof, or any particular description of land or mode of mining, so that the Governor in Council could make a fresh batch of Regulations applicable to Beechworth.

419. *By the Hon. R. Simson.*—Have you read over the Regulations carefully?—Yes.

420. What do you think of them as a whole?—They would not suit our district at all.

421. Do you think that the Bill with those Regulations attached to it will facilitate the wish of people to get upon private land; will they have less difficulty in getting upon private land if this Bill became law, than they have now in dealing with the owners of private property themselves?—I do not know about other districts, but in Beechworth district I do not think it would facilitate mining on private property.

422. *By the Hon. Sir S. Wilson.*—Would you prefer to have things as they are at present rather than to have the Bill passed into law?—Not if these alterations are made.

423. *By the Hon. the Chairman.*—Where two parties are agreeable to mine a piece of ground, would you give the Minister any liberty at all, either to refuse or grant a lease over the ground, or would you make it compulsory on him to grant the lease?—If the freeholder and the miner agree to work the ground I should say that they should get a title to do so.

424. *By the Hon. Sir S. Wilson.*—According to the Bill it is in the power of the Minister to refuse?—I cannot imagine any circumstances that could arise that could warrant his interference in that way.

425. You think the Minister ought to be compelled to issue a lease, even when both parties agree to work a piece of ground in a certain way?—I think so.

426. Suppose one of the parties does not agree to apply for the lease; would you think it would be right that the other party should have the right to claim the lease?—Do you speak of existing contracts?

427. Yes. Would you legalize existing contracts?—I have never had any personal connection with such contracts. It does not affect our district at all. There is not such a thing.

428. *By the Hon. J. Balfour.*—Mining upon private property in the district you know best would be virtually taking the whole property?—Taking the whole property, taking it right out.

429. Mining upon private property could be nothing else, the land is sluiced and taken all away?—Yes, there are many private paddocks now naked rocks.

430. *By the Hon. Sir S. Wilson.*—The land was in such cases first bought?—Yes, bought and the soil is washed away and it is abandoned. It is now Crown land as much as ever it was. Crown land because nobody ever attempts to claim it; it is naked rock, and until nature clothes it again with verdure, there it will lie.

431. *By the Hon. T. T. a'Beckett.*—Is nature proceeding to do so?—Rapidly. In another 100 years there will be a sod upon it. There is plenty of scrub twenty feet high growing upon the bare rock, although the surface has been washed away the scrub has taken root upon the pipeclay bottom.

432. What is the surface; is it disintegrated quartz or what?—Clay and rotten granite in some places, though very little. Upon the Beechworth side it is slate and pipeclay.

433. Vegetation seems to thrive upon it, from what you say?—Yes, scrub takes root upon it and it grows very rapidly.

434. Then why do you say it is utterly valueless?—A few goats can live upon the grass in the meantime, but they cannot live upon wattle and gum suckers, and so on.

The witness withdrew.

Mr. William Llewelyn Jones examined.

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435. *By the Hon. the Chairman.*—Where do you reside?—At Creswick.

436. What is your occupation?—I am chairman of the local mining board.

437. Of the Ballarat Mining Board?—I am the member for the Creswick division of the Ballarat Mining Board.

438. *By the Hon. T. T. a'Beckett.*—Have you studied this Bill as a member of the Mining Board?—Yes.

439. Have you formed certain opinions upon it?—Yes.

440. Perhaps it would expedite matters if you were to give us the result. Has the Bill been sent officially to the Mining Board by the Government?—It has. We have copies of the Bill, but we had not much time to look over it.

441. When was it sent?—I could not give you the dates.

442. Was it sent before the Bill was introduced into Parliament?—Yes, we had a copy of the Bill as sent up to the Legislative Assembly.

443. Was it submitted to the mining board before it was introduced to Parliament?—Before it was introduced to the Council.

444. Did you give the Minister your opinions upon it then?—Our opinions in this instance were embodied in a petition to the Assembly, not to the Minister.

445. Will you tell us what those suggestions were?—I have a rough draft of them here. We concur with the provisions of the Bill generally with the exception of a few clauses, some of which have been altered. In clause 5 about the tenure, and the notice served upon the owner of the land till the miner can get possession of the land, the proceedings seem unnecessarily protracted—that is for a month; our opinion was that fourteen days were sufficient instead of a month. But that is a matter of little importance.

446. *By the Hon. Sir S. Wilson.*—Is there much mining on private property in your district?—Yes, in the Creswick division.

447. Are you of opinion that where both parties have made a contract, it should still be in the option of the Minister to annul the contract, or that the Minister should carry out a contract of that kind?—My opinion is, that if both parties are agreeable the contract should be continued. I see no reason why the Minister should interfere with them.

448. *By the Hon. J. P. Bear.*—Should he have the power of discontinuing it, do you think?—I do not think he should.

449. *By the Hon. F. S. Dobson.*—Supposing one of the parties wanted to back out of the contract, and made an excuse of the present state of the law, though the contract has been in existence and work has been done under it for years, would you allow him to annul the contract?—I think under those circumstances it should be referred to a competent tribunal to treat the matter.

450. Why would you allow a man to break his contract simply because the law happens to be in a state of confusion?—If we look at it in a fair and impartial manner, we may say that the miner was, as it were, compelled to accept the conditions upon which the landowner insisted, because he had the power of saying—“This is my land; if you do not accept my terms, of course you can go about your business.”

451. *By the Hon. Sir S. Wilson.*—Now look at it from the other point of view. Suppose the landowner finds that a miner has got a very good bargain—has got into a very rich bargain, and is getting large sums every week—should the landowner have the power to refuse to fulfil the contract and not sign the lease, knowing that he could get much more money from some one else?—I would allow him to have the same right as the other. I would give either the right.

452. That if the miner has got a very good thing, the landowner should have the chance of getting something more than was agreed upon?—I would give the landowner the same opportunity of appeal to this tribunal that I would give to the miner.

453. This Bill provides no tribunal—it is “the Minister for the time being”?—It is in the power of the Houses to order a tribunal.

454. No; the Bill says “the Minister for the time being”?—It is competent for the Legislature to bring in a new provision.

455. Do you think it would be justice to interfere in that way. Suppose a miner has got a very good mine—got a contract, and pays say five per cent. royalty to the owner: he gets very good dividends, and it is known that he does from week to week—do you think the landowner should have the right to say “I will not sign the lease; I can get ten per cent. from your neighbour”?—I do not think there is any danger of any landowner attempting to annul such a contract, because if the miner is doing well the landowner is doing well.

456. But the landowner might have the chance of getting a larger per centage?—All those transactions are considered to be illegal. The gold belongs to the Crown.

457. But the landowner gets out of the agreement by refusing to sign the lease, and he can make a private arrangement with some one else to step in and take the mine?—Then the Attorney-General can step in.

458. *By the Hon. T. T. a'Beckett.*—But he never has thought fit to step in?—Not yet.

459. Although the gold belongs to the Crown, the Crown is prepared to give it to anyone that will get it?—Yes, under certain conditions.

460. Suppose we put this case: suppose a freeholder has granted a lease to miners upon condition that they pay a certain amount to him, and they may have been working a considerable time without any profit to themselves, and are just beginning to make a profitable thing of it; would it not be very unfair to let the landowner annul the contract after they had developed the whole thing by their labor for years; and would it not be very unfair to persons, who by their labor had developed the mine, that a stranger should be allowed to come in and take a lease as against them?—Of course it would be unfair.

461. Then is it not desirable to take care that such an injustice shall not be committed?—There are some cases that I know of—especially the case at Clunes—where the miners have developed a mine, and it has been giving the proprietor of the land fifty times, I suppose, as much as the land cost him; and those people now are running into debt and getting advances from the bank to carry on the mine; but still he gets his royalty, as he terms it.

462. But you must not go into any exceptional cases; there are certain principles of justice which have to be considered. What company do you speak of?—The Port Phillip Company. It is called the Port Phillip and Paddock Company; I think they are amalgamated.

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463. *By the Hon. J. P. Bear.*—The bulk of the shareholders are in England?—It is an English company that crushes.

464. Mr. Bland is the manager?—Yes.

465. *By the Hon. Sir S. Wilson.*—What royalty do they pay to the owner?—I think it is seven and a half.

466. *By the Hon. J. P. Bear.*—Do you know the amount they have divided in dividends to their shareholders?—I do not know.

467. *By the Hon. T. T. a'Beckett.*—Do you think it would be fair for the Crown to grant a lease of the land upon which that mine stands, giving to utter strangers the benefit of all the working underground without compensation?—No; of course not.

468. *By the Hon. R. Simson.*—That is what it leads to?—It would not be fair.

469. Your proposition leads to that, unless you make it binding that any one of the contracting parties shall have power to ask for a lease if the other refuses, and to get it; for you throw the door open, not only to the miner to get out of a bad case, but to the owner of property to make his case much better?—It would not be fair to give one the chance unless you give the other the chance.

470. *By the Hon. R. D. Reid.*—If one of the parties says, "No," and holds back, would you not allow the other party to go to the Minister and say, "Grant me a lease for this," carrying out the agreement that was formerly entered into between the parties themselves; would not that be fair?—I suppose it is the best way to get at it, to legalize the present state of things. But in some cases I have not the slightest doubt it is the means of doing a great injury to several parties, and miners especially.

471. *By the Hon. J. P. Bear.*—Why would it bear hardly upon the miner?—Because in some instances the landlord has had the lion's share of the making of the contract, and he submitted his own terms, and perhaps the miners have gone in under the impression that they could make a good thing of it, and it has turned out bad.

472. Then it is bad to the owner?—To a certain extent it is bad to the owner, but not to such an extent as it is to the miner, for in every case I am acquainted with they get the royalty upon the gross proceeds, and they pay nothing and risk nothing in developing the mine, and have nothing to lose, but everything to gain. The advantages are all on the side of the property holder.

473. *By the Hon. R. Simson.*—It is the same the other way; the property may be much more valuable than the royalty the owner is getting from the mine, and if it is so he has his option to refuse to apply for a lease, and he may collusively get another man to apply for a lease before the man already at work knew of it, and so take up the underground workings?—They could not be very valuable gold mines that would not pay more than the property is worth.

474. *By the Hon. J. P. Bear.*—Have you ever known a case where a property owner refused concessions to miners where it was properly put before him; by "concessions" I mean such as reducing the royalty?—No, I never did.

475. *By the Hon. Sir S. Wilson.*—Have you ever known a private property owner who refused to let miners work upon his ground?—Yes; I met a man travelling—a Mr. Hyde—I had it from his own lips. 476. We could examine him?—No, he is dead.

477. As chairman of the Mining Board, of course you would be cognizant of any cases of that sort in your district?—Not necessarily. I am not aware of any such cases.

478. *By the Hon. T. T. a'Beckett.*—In cases where mining has been abandoned, as it were, and a considerable expenditure has been gone to in underground operations and persons apply for a lease of that land, being private land, do you think that, in addition to the compensation for the surface damage, there ought to be compensation for the work that has been done underground, of which the lessee would be able to avail himself?—That would entirely depend upon the circumstances, because in a great many instances the old drives have closed, and it would cost as much or more to clear them out than as it would to make new drives.

479. That would all come in in calculating the amount of compensation?—Yes, just so.

480. In cases where there is a clear and unmistakable benefit to the lessees, by reason of operations under the abandoned lease which are to be resumed under the new lease, should there be any compensation for the advantages derived by saving him from expense that he would have had to go to?—Yes, I do not think the new lessee ought to have the benefit of that.

481. It would be for other parties to settle the amount?—Yes.

482. It would be a fair thing to take into consideration?—Yes, I think it would.

483. *By the Hon. F. S. Dobson.*—Are you acquainted with the mode of ascertaining the value of the compensation for land proposed to be taken for railways which is now at work?—No, I am not aware of it.

484. There are certain clauses by which the value can be ascertained, if they do not agree, by arbitration. Now an entirely different mode is started in this Bill. I want to know which you think is the better method?—I am not acquainted with the mode you refer to.

485. *By the Hon. J. P. Bear.*—Have you had your attention directed to the 18th clause in the Bill?—Yes.

486. What do you think of that?—I think it is rather strong.

487. Do you think it is a clause that ought to be there or not?—I have just put a note to inflict a fine, and I would take out the words after "Act," and put an addition to the clause in the shape of a penalty, fining the man so much a day.

488. *By the Hon. Sir S. Wilson.*—If a man find a nugget in digging in his garden, he would be liable to twelve months' imprisonment?—Yes; that would be rather hard.

489. *By the Hon. T. T. a'Beckett.*—I proposed this clause when a previous Bill was under consideration—"If the owner of any private lands shall mine thereunder without being authorized so to do by the provisions of this Act, he shall forfeit to the Crown all gold or silver obtained by such mining; and it shall be lawful for any Crown bailiff to obtain a warrant from any police magistrate to enter upon any private lands not leased for mining purposes to ascertain if mining is being carried on thereunder, and on

Mr. W. L. Jones,
continued.
1st Nov. 1877.

proof before a magistrate of such mining being carried on contrary to the provisions of this Act, it shall be lawful for him to grant a warrant for the seizure and removal of all mining plant on such lands and for the sale thereof, and the proceeds of such sale should be forfeited to the Crown." Do not you think that that would be quite sufficient to prevent any unauthorized mining?—Yes, I think that is quite stringent enough.

490. *By the Hon. F. S. Dobson.*—Would it not be desirable to insert in the Act a provision that the applicant for the lease shall produce some evidence that the land is auriferous or is probably auriferous; for instance, would this meet your views as a preliminary to obtaining a lease, if something of this kind was enacted—"Any person desirous of obtaining a lease to mine upon private land the property of anyone other than himself shall give at least seven clear days' notice in writing to the owner or occupier of such land, that it is his intention to apply for a certificate that such land is auriferous as hereinafter mentioned. Every application for such certificate shall be made to the Court of Petty Sessions nearest to the land in respect of which the applicant desires to obtain such certificate, and if it be proved to the satisfaction of the said Court that gold has been found on the said land or that there is a reasonable probability that gold will be found there, it may issue a certificate in the form in the schedule or to the like effect." What I mean is, is it not desirable to prevent mere speculative people going in to levy black mail by threatening to get a lease where there is no possibility of getting gold?—I do not think it would be necessary to introduce a clause like that, because I would take it for granted that a man would not involve himself; for he would do himself more harm and injury if he went and spent money, because he must go through the form of application for the land, and must deposit £20.

491. Is there not a great possibility of bubble companies being started?—I think not.

492. *By the Hon. J. P. Bear.*—You were in the room when the first witness was examined?—Yes.

493. He gave it as his opinion that this Bill would raise up a class of speculators?—Yes.

494. Not *bonâ fide* men at all, but men for getting up speculative companies. Do you think this Bill would do so?—No, I do not think so. A man's own selfishness will not allow him to go recklessly upon people's land and spend his money, his resources would soon be exhausted.

495. If he is to be bought off, what resources would he spend?—His time and money and his reputation, I think so; that is my opinion.

496. You disagree with the opinion that was given yesterday?—I do.

497. *By the Hon. J. Balfour.*—Suppose you were the owner of a valuable property—or that you had an interest in it—and some person desired to be bought off by you from interfering with it; might he not take the necessary steps under the Bill, deposit the money and get a lease in order to annoy you while there was no gold in the land?—It is possible, but I think upon the whole it is improbable. That is the way I would put it. It is almost impossible to predict what may occur. I would respectfully suggest a slight verbal alteration in the 17th clause. It does not interfere with the principle of the Bill. In the third line of the 17th clause substitute the word "five" for "two." When I was going through Creswick on Saturday I met a man who asked me if I knew anything about a mine that has been abandoned for seventeen years, and I said "Yes;" I had worked in it myself. He is just going to take it up. Very often when men of small means, who have not much capital, apply for a lease, they expend a great deal of money upon it and exhaust all their resources. It takes a few years before they can recuperate their exchequer and then they go to work. Perhaps in two years they may not go to work, or in three or four, or five, they may, or some other parties may.

498. *By the Hon. Sir S. Wilson.*—If the owner takes possession again under this Bill, any miner can, under this Bill, take it up the day after?—Yes.

499. *By the Hon. R. Simson.*—You want to leave it open for five years, so that the miner may come back again?—So that it does not revert to the owner for five years.

500. Then where are your labor conditions?—I know that the provisions of the Act state that it shall be left open. I understand the Bill to provide that the portion of land that has been excised for the purpose of mining will have to be surveyed and excised from the man's private land, and it becomes if not virtually yet nominally Crown land.

501. *By the Hon. Sir S. Wilson.*—The day after the owner takes possession the miner can come in under this Bill?—Yes; but he must go through all the preliminaries again.

502. *By the Hon. J. P. Bear.*—You do not think two years is long enough?—Hardly.

The witness withdrew.

Mr. Francis Augustine Walsh examined.

Mr. F. A. Walsh,
1st Nov. 1877.

503. *By the Hon. the Chairman.*—You are the manager of the Bank of New South Wales?—Inspector.

504. You have been asked to come here to give some evidence in reference to the Mining on Private Property Bill?—Yes; I appear in reference to a petition that the bank has presented to the Honorable Council. The petition, I think, pretty fully sets forth the case of the bank, which, I think, requires very little from me to say to the Committee, but that little I have put in writing: I thought it would save the Committee's time, and state the matter more clearly.—[*The witness read the following statement:*]

Statement in support of the Petition of the Bank of New South Wales to the Honorable the Legislative Council of Victoria, in reference to the Bill to provide for mining on Private Property.

In petitioning against the Bill in its present form, the bank has no intention to question its general policy, but solely to seek a remedy for injuries it would inflict in a case involving special circumstances, not probably contemplated by the framers of the Bill.

The Buninyong estate, about 1200 acres, formerly the property of the Messrs. Learmonth, was sold by them many years since to a company formed for mining purposes, for, I believe, £20,000, a price greatly in excess of its then or present surface value.

The company to which they sold it worked it for some years very successfully, and obtained a large quantity of gold from it, but subsequently fell into difficulties and the property was re-sold to an individual proprietor, who let portions on tribute agreements to several companies.

To some of these companies the bank made large advances, on security chiefly of the valuable plants and machinery they had placed on the ground to work the several mines. The companies were unsuccessful in their efforts, their calls were not responded to, and they had to surrender their interest to the bank, and the bank, with the view to protect and enable it to deal more advantageously with its chattel security, acquired also the proprietor's interest in the freehold.

The bank's advances amount altogether to £28,000 to £29,000. The freehold is at present estimated at £10,000, and the machinery to remove, say £4000=£14,000. For any further recovery the bank has to look to the value, for mining purposes, of the shafts and drives constructed beneath the surface, and to such additional value as the plant derives from its position *in situ*, adapted to and available for working the existing mines. Mr. F. A. Walsh,
continued,
1st Nov. 1877.

The admission of a number of small leaseholders on a property so circumstanced would be greatly more prejudicial to the proprietor than in the case where he had incurred no expenditure beyond the purchase of the surface.

Under the sanction of long practice of the Government of the colony, mining has long been carried on and a large expenditure incurred in machinery and underground works, suitable and still available to carry out the plans of the projectors, whose efforts are believed to have failed chiefly from want of sufficient capital. But now to admit small leaseholders to this ground for mining would involve the probable destruction of the present underground workings, and the plant, suitable for the existing mines, but on too large a scale for small individual effort, would have little more value than as old metal. For the loss in the value of the capital so expended for which the Bill furnishes opportunity, it provides no compensation.

The land is at present employed for agistment of horses and cattle, under the charge of the caretaker of the mining plant and machinery, and is yielding a fair income. To cut it up into small mining areas would affect not merely the surface value of any area so taken up, but the whole surface value, as involving a larger proportionate expenditure in superintendence, fencing, and repairs of the portion left, and which would be producing a smaller income. The ratio of expenditure would increase, and of profit decrease, as detached portions were occupied by working miners.—F. A. WALSH.

505. *By the Hon. T. T. a'Beckett.*—Of course in estimating compensation those considerations which you have been placing before us would be borne in mind?—Not under the present Bill: it is limited to compensation for damage done to the surface.

506. “Or of any part of such surface, as the case may be, and for damage to the surface of the whole or any part thereof, as the case may be, which may arise from the carrying on of mining operations thereon or therein, and for the expense of severing such land or any part thereof from other land of the owner or occupier by means of a fence if deemed necessary for the sake of protection or security so to do.” Could not you urge that?—If any small portion of the ground were taken, the underground work upon the portion so taken might destroy the ground for larger works. These are mines upon a large scale with drives extending for thousands of feet.

507. You think that the compensation clause ought to be enlarged?—Yes.

508. *By the Hon. Sir S. Wilson.*—Might they not take up the whole of the ground except the shaft?—I do not think the bank would require a stipulation that the whole should be taken up, but that each mine should be taken separately; that the present mines should not be destroyed.

509. *By the Hon. T. T. a'Beckett.*—What is the average area of the mines now being worked?—I should think the drives run, some, considerably upwards of 1000 feet in one of the mines.

510. Are there any more than 30 acres?—I should say considerably more.

511. Under the Regulations it is 30 acres?—The area is about in the 1200 acres freehold.

512. And how many mines are there working upon it?—Five or six.

513. Is the whole of the 1200 acres being mined under?—Not the whole.

514. Is the whole of the 1200 acres included in the leases, or is there any portion of it that is not?—None of it is working at present. The whole has fallen into the bank's hands, but they are doing nothing with it; they are looking out for a purchaser, but things are so bad at Ballarat that no one will take it up. Our case would be met by the compensation clause being extended to underground works and plant *in situ*.

515. So that where a portion of the ground is let to a person who would derive substantial benefit from the previous workings he should pay compensation in respect of that benefit?—Yes.

516. *By the Hon. J. Balfour.*—And further, that where a new occupier injured your existing mines in any way, you would require additional compensation to the surface compensation?—Yes, it would destroy the value of the mines to a purchaser.

517. *By the Hon. T. T. a'Beckett.*—In point of fact, this represents an asset of £29,000 to the bank?—Yes.

518. How much an acre is it let for?—The man who is in charge of the plant looks after the property. He is taking in cattle, and I believe making £600 or £700 a-year.

519. Has the plant cost much money?—Yes, a very large sum of money.

520. Who makes the £600 a-year?—That is from the agistment upon the surface. The same man who looks after that keeps the machinery cleaned and oiled to prevent its deteriorating.

521. Are there separate plants for the mines?—Yes, I think there are five different mines.

522. *By the Hon. Sir S. Wilson.*—Is it long since there was any work done?—Since there was any work done upon a considerable scale it is two years. Then the mine was let to a man on tribute, but he failed for want of funds.

523. *By the Hon. J. P. Bear.*—Did it cease to become payable?—They got flooded out by water. They never got sufficient funds to put it perfectly right. There was a very good report shortly before they discontinued.

The witness withdrew.

Adjourned to Wednesday next at Two o'clock.

WEDNESDAY, 7TH NOVEMBER 1877.

Members present:

The Hon. J. A. WALLACE, in the chair;

The Hon. F. T. Sargood
J. P. Bear
R. Simson

The Hon. R. D. Reid
N. Fitzgerald
Sir S. Wilson.

Mr. William Grant examined.

524. *By the Hon. the Chairman.*—Where do you reside?—Break-o'-Day, Rokewood.

525. Are you a miner?—I have got a lease of private property.

526. Are you mining?—Yes, I am a leaseholder and manager.

Mr. W. Grant,
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Mr. W. Grant,
continued,
17th Nov. 1877.

527. You are working the ground yourself upon your own account?—Yes.
528. Have you seen the Bill before the House?—Yes.
529. Can you give us any information upon the Bill?—I have seen the Bill, and I have been connected with mining upon private property for nearly twenty years. I have paid a very high per centage for it, but still it paid, and I never saw any objection or any land objected to mine on as long as you could come to terms with the proprietor. I never had any difficulty in dealing with a man on terms. I am only paying five per cent., and I think it is very hard if no provision is made to legalise existing contracts. It is very hard upon me after paying a lot of money.
530. Did you purchase the land?—I purchased the lease.
531. How purchased the lease?—I paid about £750.
532. This land was leased before?—Yes, a company took it up first. I was one of the original promoters of the company, who paid £5 an acre and five per cent. upon the gross proceeds of the mine.
533. *By the Hon. J. P. Bear.*—£5 an acre for the surface damaged?—Yes, £5 an acre.
534. For the land?—Yes, first of all.
535. *By the Hon. the Chairman.*—For all land you damaged, or did you buy the whole block of ground?—I bought the lease of the whole land.
536. If you bought the land, how did you come to pay five per cent.?—It was £5 an acre for the ground and five per cent. upon the gross yield of gold for the privilege of mining.
537. If you purchased the land for £5 an acre, whom did you pay the five per cent. of the yield to?—We did not purchase the land, it was only a lease. It was first of all £5 an acre for the right of mining, and then five per cent.
538. *By the Hon. R. D. Reid.*—How much land did you buy?—The company had between 1600 and 1700 acres.
539. *By the Hon. N. Fitzgerald.*—Were you obliged to level off the ground afterwards?—The conditions of the lease were, that the company was to leave it so that a plough could go over it where practicable.
540. *By the Hon. R. D. Reid.*—You did not lease the whole 1700 acres—pay £5 an acre for it?—We did.
541. For the whole 1700 acres?—Yes.
542. *By the Hon. J. P. Bear.*—Did you get the grass off it?—No; we have no right to the grass.
543. Who has?—The freeholder.
544. Who is the freeholder?—Messrs. W. and N. G. Elder of Rokewood are the freeholders.
545. *By the Hon. N. Fitzgerald.*—How long is that ago?—Ten or twelve years ago.
546. *By the Hon. R. D. Reid.*—How much of the ground have you worked?—I suppose about 200 or 300 acres of it has been worked.
547. Is it still proving good?—Yes; I have a party working there.
548. *By the Hon. N. Fitzgerald.*—How many men have you employed?—Only twelve men are employed just now, and three or four horses. The lead was lost when it went into wet ground. We are only working the old ground.
549. *By the Hon. the Chairman.*—What description of ground is it?—Shallow dry ground.
550. *By the Hon. J. P. Bear.*—Alluvial?—Alluvial.
551. *By the Hon. R. Reid.*—What is the depth?—From the surface to about forty feet.
552. You wash it all over?—Some of it; and we got the gold upon the surface.
553. Do you get the gold upon the surface?—Yes; but when we come to the deep we cannot wash it.
534. How can you restore the surface so that a plough could go over it?—That condition is only when practicable; in some places, 500 or 600 feet, it is all gone down.
555. *By the Hon. J. P. Bear.*—You say it is paying you?—It is paying; in fact there are two parties, and they always make a living.
556. You are of opinion that existing contracts should be legalised?—Yes.
557. Supposing one party to a contract held back, the lessor or the lessee, is it your opinion that either party should have the power of getting it legalised?—I think that it would be easier for me for instance to pay 5 per cent. upon the gross yield of gold than to go and pay a lot of money for the lease of it.
558. That is not the question. Supposing the lessor, that is the party from whom you rent, would not agree with you to go to the Government and get the contract ratified, do you think you should have the power to do it yourself?—I think I ought.
559. That either party to the contract should have the power?—Yes; both parties.
560. Yes, both parties; but failing both, should one?—Yes.
561. *By the Hon. N. Fitzgerald.*—Was the money, the £8750, paid down before you began to work upon the ground?—It was not paid down; it was paid by bills in instalments. We paid £1500 first of all.
562. *By the Hon. J. P. Bear.*—Can you give us an approximate idea of the value of gold that has been taken from the property?—I could not just now—the company has got the books.
563. *By the Hon. the Chairman.*—You could not guess it?—No.
564. Supposing that this Mining Bill were in force, and you had no agreement with these parties at present, would you prefer to go to the landowner, and make arrangements with him, rather than the Minister of Mines?—I would, provided there could be a limit put to his demands; that is where the difficulty is.
565. Supposing your agreement was to commence afresh, and the limit was 5 per cent., would you rather give 5 per cent. and £5 an acre, than go to the Minister of Mines for the year?—I am not so sure about the £5 an acre, but 5 per cent. I think is very reasonable.
566. *By the Hon. J. P. Bear.*—What company is this worked by?—The Break-o'-Day Gold Mining Company.
567. Do you know of any proprietors of auriferous land, or land supposed to be auriferous, that are not anxious to lease their land for mining purposes?—I do not.
568. You do not know of any?—No.

569. *By the Hon. N. Fitzgerald.*—All the land you have worked of the 1700 acres by the sluicing process is really valueless for cultivation?—All that we have worked is entirely valueless for cultivation.

570. And if you work the whole of it, it destroys the whole of the land?—Yes; the only good that the land is is for stock to go upon it, and it is dangerous even for that.

571. With regard to the Regulations, would it, in your opinion, be necessary that all regulations in connection with mining upon private property should be embodied in the Bill, so that all who came under its provisions would know exactly what regulations were in force?—I think so to. I saw the Regulations, and I think they are too laborious altogether.

572. But speaking of regulations generally?—Yes.

573. Then you think the Minister ought simply to have power to see that the labor covenants are carried on and that the conditions of the lease are carried out?—No, I would not give it to the Minister, I would give the warden the power.

574. *By the Hon. J. P. Bear.*—Are you of opinion that the powers provided in the Bill to be conferred upon the the Minister are excessive?—I think they are; it is all very well for the Minister for the present time, but we do not know what time to come may bring; but I think the warden is the proper man.

575. *By the Hon. N. Fitzgerald.*—You are aware that the Bill specifies certain areas according to the class of mining that should be the maximum for which the lease should be granted?—I think the limit of area is too small.

576. Would it not, in your opinion, be desirable that the area should be upon all private lands the same as the Crown lands, subject to the conditions in force in various districts?—No, I do not think it.

577. How are you going by special legislation to have an area that shall have uniform effect all over the colony, where the classes of land and the mining are so very difficult?—It is a difficult question.

578. You, as a practical miner, know that there is a very great difference in the class of land between say, the Beechworth district and the Ballarat district?—Yes, there is.

579. Where there is such an opposite character of land, would it not be better to leave it to the Regulations in force in the various districts, which are based upon the nature of the land rather than by legislation to deal with all upon a uniform basis?—Yes; but the legislation now in existence for Crown lands is limited to 30 acres.

580. *By the Hon. the Chairman.*—Yes, but in a special application you get as much as you think proper?—Yes.

581. The question Mr. Fitzgerald asks you is, so many acres, and not exceeding so many acres?—Yes.

582. Is it necessary, do you think, to put in the 30 acres at all?—I do not think so.

583. Let the Regulations put in as much as you think proper, but it must not exceed a certain quantity—would a limit for leases be required or not?—Not upon private lands.

584. Would you have a clause to this effect—that all private land shall be dealt with under the various regulations of the districts, the same as if they were Crown lands?—Yes, I would, provided you did not put a limit to the extent.

585. There is a limit to the Crown lands—why should there not be for private lands?—You cannot get a lease for Crown lands, except for a limited amount.

586. *By the Hon. R. D. Reid.*—Yes, you can by special application?—I was not aware of that. In these cases, if I take a lease of 600 acres, and there are labor covenants in it, I have to prospect the ground; perhaps I cannot pay for the number of men that would have to be employed upon it.

The witness withdrew.

Mr. John Alfred Chalk examined.

Mr. Martin Loughlin examined.

587. *By the Chairman.*—What is your occupation Mr. Loughlin?—At present I have an indefinite occupation connected with mining.

588. Resident where?—At Ballarat.

589. You have seen the Bill now before the House?—Yes.

590. Can you give some information to the Committee referring to the Bill?—I think there should be the proposed amendments that we laid before the Committee the last time we were here. A meeting was held at the George Hotel last week of the owners of property upon which mining is carried on. A meeting was called and certain amendments and alterations were agreed upon that night, and I and Mr. Chalk were deputed to come and present the amendments to the Committee. Upon the last occasion we were here we presented those amendments. If we can get those inserted in the Bill that is all we require.

591. *By the Hon. N. Fitzgerald.*—“Should provide that the right to enter should be only for a limited time, say a few hours”—How would you draw a line?—It says the first applicant.

592. Any one may be a first applicant?—If you enter upon the land you lodge your application.

593. A man cannot enter upon the land without the liberty of the owner?—The owner does not object.

Mr. Chalk.—At the time this was prepared we had not seen the Regulations. There are a few suggestions we had to make upon the Regulations particularly relating to that subject.

594. *By the Hon. N. Fitzgerald.*—In reference to this—“Regulations should provide that before any person makes entry, he should make a deposit of a sum of money equal to 50 per cent. more than is required to be deposited with applications under the Gold Mining Leasing Regulations to prove the entry is for *bond fide* purposes.” That means, that in cases of entry upon private lands for mining, he should pay half as much more than he has now to pay to enter upon Crown lands?—Yes.

595. How much would that be?—The Regulations meet that suggestion.

596. *By the Chairman.*—The present fee is only ten, and five per cent. more would be only fifteen?—

Yes, it would.

597. That would be no measure of the damage done to private property?—(*Mr. Loughlin*)—No, and then there is a class of men who would purposely mark off a shaft near a man's house to extort money from him.

Mr. J. A. Chalk
and
Mr. M. Loughlin,
continued,
7th Nov. 1877.

598. *By the Hon. R. D. Reid.*—But before he does that he has to deposit a certain amount of money, has he not?—A mere trifle, £10.

Mr. Chalk.—There is nothing in the Regulations or the Bill which directs what is the first step to be taken by an applicant in order to enter upon the land, and this is a suggestion that I would make—that the Regulations provide that the applicant give notice upon the owner of his intention to apply for a lease upon certain land, giving approximately the description, extent, boundaries, &c., and lodge a copy with the warden, that the warden should within seven days summon the applicant and owner, take evidence as to whether there was reasonable ground for believing gold existed in the land applied for; if warden report favorably to the applicant, he to apply to Governor in Council for right to mark out, &c. There is nothing in clause 2 in the Bill directing how an applicant is to obtain Governor's authority to enter. You find it says, that the Governor may authorize any one to enter, but it does not say what steps the applicant is to take.

599. *By the Hon. R. Simson—(to Mr. Loughlin).*—Has much difficulty been experienced in giving right to mine upon private property from the owner, in cases in which you are concerned?—I have been mining upon private property for the last fifteen years, and have never had any trouble whatever. We have more trouble in mining upon Crown lands from people jumping the ground and applying for claims here and there, and it cost us more money to defend our title upon Crown lands than it did to pay for compensation to private property.

600. Then you consider that this Bill is not much wanted, so far as Ballarat is concerned?—No; I may say, there has been mining at Kingston, near the property I represented there, for the last three years, probably about 40 allotments, and there has never been a dispute.

601. *By the Hon. N. Fitzgerald.*—How many men are now engaged in mining upon private property, do you think, in Ballarat, in your own district?—I should think fully 2000 men in the neighborhood of Ballarat and Kingston, and in fact it has got on better than upon the Crown lands; the Band of Hope and Koh-i-noor—it has cost us thousands and thousands of pounds to defend our title.

602. *By the Hon. R. Simson.*—And you have no trouble upon private property?—Never a dispute, not one.

603. *By the Hon. J. P. Bear.*—Do you know any cases where the owner of auriferous land has objected to a miner going in?—No, he is only too willing.

604. Did the Seven Hills estate formerly belong to Burches?—Yes.

605. Purchased by Mr. Alexander Wilson, and re-sold by him?—Yes; and I applied to Mr. Wilson for leave to mine, and he said, "No, I do not want to be bothered with the land, it is getting close to mining, I will sell it to you." We bought it, and advertised it to be leased to miners for mining, and we leased 800 acres of it to two parties, and it is now working.

606. *By the Hon. N. Fitzgerald.*—With regard to registration and validation of a contract, do you think that before such took place both parties should apply to the Minister?—I do not see why they should.

607. Do you think that either party applying ought to get it as a right?—I think, if both could agree, it would be right to apply; but, where both cannot agree, the lease ought to be given to the owner of the property.

608. But we speak of existing contracts?—That is to say, suppose they cannot agree.

609. But they have agreed?—But if they cannot agree to go to the Minister, the owner ought to have a prior right to the lease. In the De Murska, I gave £900, and 7½ per cent., for the right to mine, and we went and sank a shaft. Now, if we wanted it reduced, we would apply to the Minister ourselves. Should the owner not agree, but wish to make application, then I think the owner ought to have the lease. If they do agree, the owner and the miner can have it conjointly.

610. But not only priority in getting the lease, but he should have a legal right to compel the original contract made by the parties?—That is what we want; we want a clause in the Bill for that.

611. You say, where they could not agree, the owner ought to have right to get his lease?—Yes.

612. Do you mean that he should have a right to insist upon the original agreement, or that he should have the right to begin mining under a lease with some one else?—I think if he cannot agree with the original parties, he should have the right to agree with some one else.

613. Then the registration of this contract would be merely the right to make a new one?—He ought to be allowed to mine himself.

614. Would you think that the law ought to give the power to the contracting parties to insist upon their agreement being carried out, as if it referred to other goods besides land and gold?—I think it ought to.

615. *By the Hon. R. D. Reid.*—If the owner got a lease, it should be subject to the agreements made before?—Yes, to the agreements made before, where the parties do not agree.

616. *By the Hon. J. P. Bear.*—Agree to what—we are speaking now of contracts at present in existence, where all the terms are clearly laid down and understood?—Yes.

617. Is it your opinion that the owner, or both, or the lessee without the owner, should have the right to go the Minister and say, "I want this contract ratified"?—I say, if they are agreed.

618. If they do not agree?—Then, I say, the owner.

619. Or the other side?—Then the owner of the property is in the hands of the other party. They can do as they like with it if they get the lease.

620. If the owner says, "I will not go to the Minister;" what would you do then?—Give it to the other party.

621. *By the Hon. N. Fitzgerald.*—I want to know, whether either party to a contract coming to a Minister and asking to see that contract registered, and give it the force of law, should be entitled to succeed, whether the lessee would have the right then legally to insist upon the lessor, who refused to join him, carrying out the contract and allow him to work, and *vice versa*?—Under any circumstances I think the original contract should be observed and made legal.

622. *By the Hon. R. D. Reid.*—Suppose a party work for a royalty of 7 per cent., and take out thousands of pounds' worth of gold upon the royalty; suppose they become unable to pay the 7 per cent., how would you meet that case?—There would be a number of mines that would never pay; they would scheme and do lots of things to get a reduction, and would not pay it if they had a show; they would keep yields down, and work for years to get it down.

623. They would get nothing but their own labor?—They would be quite satisfied if they got a living. *Mr. J. A. Chalk*
I know many cases of mines upon Crown lands where they have put a shaft down and worked it for very little for a long time, for years, purposely to get the mine on tribute, and then they make it pay very well. *Mr. M. Loughlin,*
continued,
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624. *By the Hon. N. Fitzgerald.*—Then if it is not obligatory upon the Minister to ratify those contracts, in your opinion one or other of the contracting parties would refuse, in hopes of getting better terms in the scramble?—Yes; I think the contracting parties would go to work purposely to break the contract to get better terms, unless it is compulsory upon the Minister to ratify it.

625. *By the Hon. R. Simson.*—Do you think that all existing contracts ought to be enforced?—Yes.

626. *By the Hon. J. P. Bear.*—Up to what time?—The passing of the Bill.

627. What you term colorable contracts?—Yes, and another thing should be put into the Bill, that the miner and the owner of the property should be allowed to come to terms. It has acted well and would act well I think hereafter.

628. *By the Hon. R. Simson.*—You think too much power ought not to be left to the Minister?—No, I think not.

629. *By the Hon. N. Fitzgerald.*—About the payment of money. You have read the clause in the Bill obliging all moneys awarded due to the owner of the land to be paid down before a miner can enter. Ought not that to be subject of arrangement between the owner and the lessees?—No doubt they could arrange. We have done it, we have taken bills from miners over two years till they get gold.

630. Then in your opinion the necessity of paying down a sum of money at first would be against the interest of the working man?—A certain sum ought to be paid down.

631. You think, in other words, that the owner of the land and the miner should have the power of regulating those proceedings themselves and merely going to the Minister to ratify them after?—Yes.

632. *By the Hon. J. P. Bear.*—Do you think this Bill would have the effect of raising up a class of speculators?—It would raise middle men, not speculators, dummies who would mark off pieces of ground, if you had a nice piece of property round your house or anything of that sort.

633. *By the Hon. N. Fitzgerald.*—What distance do you think ought to be left?—We think 150 yards.

634. You talk about the Lands Compensation Statute?—Yes.

635. *By the Chairman.*—150 yards from what?—A man's dwelling.

636. Supposing a garden of 200 yards—that would be 50 yards inside the garden?—150 yards outside it.

637. *By the Hon. R. D. Reid.*—What distance do you wish it to be?—Away from the house, or garden, or yard. I knew an instance in Ballarat—a man bought a property for £1500 and went into alluvial diggings—and before the men could do anything, they let the property go right down, and took the gold, and went away and he never got a penny. Gardens and orchards are protected in the Bill, but not yards; but there is nothing in the Bill to prevent a man marking out a shaft just outside the fence and driving under the property, and letting it all down about his ears.

638. *By the Hon. R. Simson.*—This amendment of yours says, they ought not to be allowed to drive under the garden at all?—That is what I say. They ought not to be allowed to drive at all. In the present Bill they can drive.

639. *By the Hon. N. Fitzgerald.*—Is there anything to prevent them doing that now. If you have private lands, and Crown lands abutting upon it, I can sink a shaft upon the Crown lands and drive under your private lands and take the gold?—Yes.

640. The only security is, that after a certain distance you would require air-shafts?—They would not want air-shafts. There is Winter's Freehold, $1\frac{1}{4}$ miles under ground, and they have no air-shafts; they get the air down the shaft they are working; they send it right on to the face in the Winter's Freehold, and force the air down by machinery.

641. *To Mr. Chalk.*—The suggestions you desire to offer to the Committee, we may consider are embodied in the printed paper?—Yes.

642. Have you any suggestion beside this?—Yes, those that are upon the Regulations.

643. *By the Hon. J. P. Bear.*—Do you think the Regulations ought to be part of the Bill?—[*Mr. Loughlin*]—I think they should, but they should be amended first.

644. *By the Hon. N. Fitzgerald.*—You saw in the Bill that the area which is allowed for mining in all parts of the colony is limited to 30 acres; do you think it is judicious to have a specified limit to be applied all over the colony?—I think 30 acres is not sufficient.

645. Do you think it is possible to have an area that would not be too much in one place and too little in another?—I think it ought to be left to the warden; it is hardly worth a man's while to sink a shaft 400 or 500 feet deep for 30 acres. I do not know how they are going to regulate it.

646. *By the Hon. the Chairman.*—You think that is best left entirely open?—I think so.

647. No application under a certain quantity?—

648. But not limited?—But not limited as to extent. For instance, one claim upon my property has 560 acres; supposing they legalize existing contracts, then the Regulations say you are only to have 30 acres. Then this company would have to take out about eight or ten leases.

649. Under the Mining Regulations you could apply for a special lease which may be over 30 acres?—I should say let them not apply for less than 30 acres, but any quantity more.

650. *By the Hon. F. T. Sargood.*—Following your idea, that no drive should go under a house or garden, would you carry it further and say that, assuming you had a right to sink a shaft in a certain piece of land, would you by that obtain power to drive under another man's land—is it fair or advisable?—I do not think it would be.

651. And the right to sink or do anything on the surface should only carry a right to do anything under that land?—I think so, except you could arrange with the owner of the adjoining property it would be quite right.

652. *By the Hon. N. Fitzgerald.*—Was this meeting that you refer to a meeting of owners of private property or miners?—Owners.

653. Owners or lessees?—Both, I was there in both capacities.

654. Then in your opinion a Bill containing those amendments would satisfy both parties?—It would; that was the opinion of the meeting.

Mr. J. A. Chalk
and
Mr. M. Loughlin,
continued,
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655. *By the Hon. R. Simson.*—But you do not see any imperative necessity for a Bill at all?—Only that there has been a cry for years to have a Bill to legalize mining on private property. I do not know that it would do much good, but I think it had better be passed. As far as our district is concerned I have never heard a word about it, I have now been connected with it for 15 or 16 years.

656. And very largely connected?—Yes, very largely connected indeed, both as an owner and lessee of property; and another gentleman, Mr. Grant, he has been mining upon Mr. Elder's estate for years.

657. *By the Hon. F. T. Sargood.*—Assuming that under this Bill you have acquired power to sink a shaft in a certain paddock, is it in your opinion right that power should also be taken to put a dam or reservoir on another paddock, simply in order to utilize a shaft you are using in another man's land?—I do not see why you should interfere with any other man's land than that you agree about.

658. Not even for a reservoir of water?—No.

659. Not as an adjunct of mining?—No.

660. *By the Hon. R. D. Reid.*—What would you do in the case of sluicing?—With the sludge?

661. Yes?—They would have to arrange between themselves.

662. How about a race—suppose you were as they are in Beechworth, where they have to go round the hills?—The better way would be to apply to the owners of the land for a strip of land, and buy it from them.

663. Suppose the owner will not sell to you; you cannot say there is gold upon it—how will you arrive at that, if you do not give the power to bring those drains through?—There is nothing in the Bill to say you can get it—there is nothing in the Bill to say it shall be done. I know we have arranged with them.

664. *By the Chairman.*—In the block of ground you have just now, you could not work it unless you got water from the adjoining property, and there is a break between the two; would you consider it right for a law to be made to force the landed proprietor of the piece of ground between, though there is no gold in his ground, to let you cut a ditch through it by paying him compensation?—As far as I know about the owners of property, they are only too glad to bring water into their paddocks.

665. Would you consider it right to force him to let a ditch be cut through his property by paying him compensation?—He ought to be compelled.

666. *By the Hon. F. T. Sargood.*—Following that up, would you require him to let a large reservoir be formed upon his ground?—It depends upon whether you want a large reservoir.

667. *By the Hon. the Chairman.*—Would you allow a reservoir to be built upon the adjoining land if he was paid compensation?—Yes, if it is necessary.

668. *By the Hon. F. T. Sargood.*—Who is to judge of the necessity?—The warden, just the same as whether the property is auriferous, no doubt.

Mr. Chalk handed in the following manuscript:—

Clause 2, Bill.—What is the first step to be taken in order to obtain authority from Governor to enter into and upon private land?—There are no directions in the Regulations as to this.

Suggestion.—That Regulations provide that applicant serve notice on owner of his intention to apply for lease of certain land, giving approximately a description of extent, boundaries, &c., and lodge copy with warden. Within seven days after lodging copy with warden, warden to summons owner and applicant, and take evidence as to whether there was reasonable ground for believing that gold existed in the land applied for. If warden report favorable to applicant, he, applicant, to apply to Governor in Council for right to enter, mark out, &c.

Clause 3, Application.—Strike out "thirty," 3rd line, and insert "two hundred."

Clause G.—Strike out, and insert, "ascertain as far as practicable who is owner and occupier."

Who is to erect posts?—No directions yet given in Regulations.

Suggestion.—That applicant erect posts as provided in Regulations relating to gold mining leases.

Unless power be given to applicant or officer of Crown to erect posts, mining surveyor could not report as to posts being properly erected.

Clause 22.—Strike out "agents," 3rd line, and insert "attorney."

Clause 23.—Add, "provided that such compensation shall be paid to the owner within 14 days."

Clause 29.—Strike out "half," 3rd line.

Clause 31.—In case of death of applicant his executors or administrators should be allowed to execute lease.

Clause 35.—Strike out "half," 2nd line.

Schedule D.—Strike out "30 acres" and insert "200 acres."

Schedule J.—Is it intended to demise anything beyond which compensation is given to the owner?

Should not form of lease be altered so as to confine the demise to the land for which owner receives compensation, with the privilege to take mines of gold and silver from adjoining area, which may have been granted to the applicant?

The witness withdrew.

Mr. David Turpey, Mayor of Ballarat East, examined.

669. *By the Hon. the Chairman.*—You have seen the Bill before the House?—I have.

670. Have you any suggestions to offer to us in reference to it?—My suggestion is this: from my past experience for the last 25 years, that if the old Goldfields Act was adopted in part, it would be more suitable than the present Bill, that is in reference to the streets, having the control of the streets by placing the freehold property under the control of the warden, and give him the same power over freehold property as he has over Crown lands. I went to the trouble, after consulting our solicitor, Mr. Cuthbert, to get three clauses drafted, which might be very suitable. These are they—[handing in the same]. I think they are not asking too much to be put into the Bill, and I believe it is just part and parcel of the old Goldfields Act. I should like to see existing contracts fully ratified.

671. *By the Hon. J. P. Bear.*—You think existing contracts should be legalized?—I do.

672. Upon the application of both parties?—Upon the application of both parties.

673. Or, feeling or supposing one holds back, thinking he can get better terms?—I would let the other party have the power to get it ratified, or let there be an appeal to the warden to see which is the proper body, or go to arbitration.

674. *By the Hon. R. D. Reid.*—But that is not the question. Supposing you are the owner of property and I am a miner, you say, "I will not go to the Minister;" ought not I then to have the power of going to the Minister and getting what I wanted, subject to the regulations agreed upon between us?—Exactly, that is what I think.

675. Either party should?—Either party.

Mr. D. Turpey
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676. *By the Hon. R. Simson.*—Have you found more difficulty in Ballarat in connection with mining upon private property, in being allowed to mine on land there?—Not much difficulty in being allowed to mine; but the difficulty is in miners going upon the people's property, and destroying both streets and property without giving compensation. At present we have plans in the next room, if you wish to see them, just showing the workings in mining upon private property and working under streets, a great amount of destruction.

677. *By the Hon. R. D. Reid.*—That is what the clauses you have put in allude to?—Yes.

678. *By the Hon. the Chairman.*—One of the clauses provides for surveyors to go down and inspect?—Yes; there was the same power in the original Goldfields Act.

679. *By the Hon. R. Simson.*—Do you think there is in the Ballarat district much need for a Mining on Private Property Bill?—Not if you have those clauses passed and that were in the hands of the warden.

680. You think, if a short Act were passed legalizing all existing and all future contracts it would suffice?—Yes.

681. *By the Hon. R. D. Reid.*—If a man found gold upon a piece of private land would you give power to the warden rather than to the Minister to make an arrangement?—That is a matter that I think ought to go to the Minister.

682. *By the Hon. R. Simson.*—Have you experienced any difficulty in miners coming to an arrangement with owners of private property in the Ballarat district?—None whatever, if we pay a sufficient deposit for mining.

683. Previous witnesses have said that there was no difficulty whatever, and that a miner had much less difficulty in mining upon private property than upon Crown lands?—During the whole of my experience I have not found any, and I have been very much interested in mining upon private property. I have been mining and interested in mining for the last twenty-five years. I have been largely interested in mining upon private property upon Ballarat East, and whenever we saw that a lead of gold was rich enough to pay for the damages that were likely to accrue we never had any difficulty.

684. The owners of the property were always willing to let miners take the gold?—I never saw an objection.

685. *By the Hon. the Chairman.*—Supposing the parties could not come to terms, would you give power to the Minister of Mines to interfere and for him to allow mining upon this property upon payment of compensation?—Yes.

686. You would compel the landowner by giving a lease from the Minister of Mines to let the miner mine upon his property, upon getting proper compensation?—Yes.—[*The witness produced certain plans belonging to the municipality showing the damage to the streets by driving under them.*]—It has cost thousands of pounds to repair the damages done in these streets, and there is no way of stopping it at present.

687. *By the Hon. R. D. Reid.*—In what way would you propose to stop it?—Do not let them mine without the consent of the corporation; it is all embodied in the paper I handed in.

688. That applies to the city of Ballarat?—Yes; but it would apply to the whole colony.

689. What distance would you think would be necessary from the houses or garden that the shaft should be sunk?—Not less than an angle of 45 degrees, whatever the depth might make it.

690. What distance from the house would you forbid tunnelling underneath—what distance should the tunnel stop from the house?—It all depends upon the depth; it should be an angle of 45 degrees.

691. *By the Hon. the Chairman.*—Supposing a tunnel was driven six or eight feet wide right through solid rock—do you think there would be any harm in driving a tunnel of that kind below property?—None, with a single drive.

692. *By the Hon. J. P. Bear.*—What depth?—Any depth, if it is in good country and well timbered.

693. *By the Hon. F. T. Sargood.*—Will not the timber in them decay?—It might, but for the time a single drive would be used it would not do any harm.

694. *By the Hon. the Chairman.*—If it was country that did not require timber there would be no danger at all?—No danger at all—it all depends upon the nature of the country. In solid country, there is no danger in a single drive.

695. *By the Hon. J. P. Bear.*—Do you think the powers left to the Minister are excessive or not?—Yes, they are excessive, some of them.

696. Do you think the Regulations should be attached to the Bill?—They should be, defining the powers of the Minister.

697. *By the Hon. F. S. Dobson.*—Do you approve of the last clause in the Bill making it a misdemeanour for a person to pick up a piece of gold upon his own land?—No, I do not; I think that ought to be struck out; at any rate no reasonable man would agree to it; I would not; he would be worse than mad to allow such a clause as that to remain in the Bill.

698. *By the Hon. the Chairman.*—You think it would be right for the miner and owner to have an opportunity first of all of coming to terms between themselves before the Minister of Mines has anything to do with granting a lease?—I certainly think so, they ought to consult together.

699. And if they do not come to terms, fall back upon the Minister of Mines afterwards?—Yes, I believe that is the correct thing to do.

700. *By the Hon. J. P. Bear.*—Generally, is the Bill one that would tend to facilitate mining on private property, or not?—I do not think it would.

701. *By the Hon. F. S. Dobson.*—Do you know of a single instance, in your experience, where an owner has absolutely refused to let mining go on on his property?—No, I do not know of one.

702. *By the Hon. the Chairman.*—Do you know of any of them being excessively paid or overcharging?—We have heard of Winter's Freehold, which I believe was an overcharge in the first place. No doubt an overcharge was made upon that estate.

703. *By the Hon. F. S. Dobson.*—Even at £50,000?—Yes.

704. *By the Hon. J. P. Bear.*—The purchasers did not think so at the time. They made a fine thing of it?—Yes, still I think it was an overcharge, property that cost a pound an acre.

705. *By the Hon. R. Simson.*—If those people who were applying for it had not been so anxious to get hold of it, they would have got it for much less by waiting a short time?—I do not know, I never was interested in that property at all.

The witness withdrew.

Rivett Henry Bland, Esq., examined.

R. H. Bland,
Esq.,
7th Nov. 1877.

706. *By the Hon. the Chairman.*—What is your occupation?—I am manager of the Port Phillip Mining Company, Clunes.

707. You have seen the Bill before the Committee?—Yes, I have.

708. Have you anything to say in reference to it?—I wrote out a short statement upon it.

709. *By the Hon. J. P. Bear.*—Are you favorable to the Bill, as a whole?—I am, with certain alterations. I would like to be allowed to read my statement upon it. I have added to this a statement of the profits for 21 years, and how they were distributed.—[*The witness read and handed in the same.*—*Vide Appendix A.*]

710. *By the Hon. the Chairman.*—I see the amount is somewhere about £262,000 that the companies have got, and the landed proprietors got £125,000?—Yes, I do not object to those payments, nor do I want to interfere with the existing agreement, provided concessions are made when needed. For three years 1873, 1874, and 1875 the proprietors got over £13,000 for their royalty and the company got nothing at all. I do not object to it, while they were getting, as at one time, £6000, £7000, £8000, and £9000 a-year—I do not object to their getting a share of it—but where the company get nothing—

711. *By the Hon. F. S. Dobson.*—How did they get so much, while you got nothing, if it is a royalty upon the yield?—We got into debt in those years.

712. *By the Hon. F. T. Sargood.*—You advocate a sliding scale?—A sliding scale.

713. It would hardly do to say that, in years where the income is small, it shall be less than $7\frac{1}{2}$ per cent. for instance, because then it would be the interest of the company to make it not pay for three years, and so get a reduction, and make heavy profits the next three years?—When we took the mine, we were allowed to leave in the mine all quartz that did not yield an ounce to the ton. Now for years we have not had any quartz that did yield anything like an ounce to the ton.

714. *By the Hon. F. S. Dobson.*—Was it at your option?—Yes, but it is a very serious thing to give up a large mine like that, with enormous machinery, and so on—we cannot move it.

715. *By the Hon. the Chairman.*—If you pay five per cent. upon quartz containing 5 dwts. to the ton, $7\frac{1}{2}$ per cent. on quartz containing $7\frac{1}{2}$ dwts. to the ton, and 10 per cent. upon 10 dwts. would it not be a very good thing to put all this quartz together, to take the 5 dwts. quartz, the $7\frac{1}{2}$ dwts. quartz, and the 10 dwts. quartz and mix them all together, and crush them all at $7\frac{1}{2}$ dwts., and so save $2\frac{1}{2}$ per cent.?—The bulk of the mine is worked by tributors—that is payment by results. You cannot mix it. You pay the men in proportion to the yield.

716. That is, in your particular case; but in general cases it could be done?—Yes; but when I took that mine on lease we were supposed to leave in the mine all quartz that did not yield an ounce to the ton; now for years we have not had any quartz of that sort, yet there is no concession. I do not want any repudiation, or anything of that kind. I want existing agreements legalized; but I think there should be some power to settle disputes as they arise, in the interest of both parties.

717. That is in case where an agreement was excessive?—Yes.

718. *By the Hon. F. T. Sargood.*—There is a contradiction upon your part. You say you want existing agreements legalized?—Existing leases.

719. And yet in the next breath you say you want the terms revised?—In my case I am allowed not to take out all quartz that is not an ounce to the ton, and yet we take it out and get no concession.

719a. You want it partially legalized?—Yes, some means of getting the terms revised.

720. *By the Hon. J. P. Bear.*—Have the owners of this land ever made any concession at all?—No. Last year things were so bad that it looked like a wind up of the whole of the company, and I told the principal, who happened to be at Clunes at the time, that unless he provided some funds to open up the mine I should cease all dead work. They agreed then for a temporary concession, to run for a year and a half, and to come to about £2300, to sink a shaft and drive a level; that was the only concession, except one referred to in the Lower House about all quartz yielding under 4 dwts. A concession was made that amounted to about £40 or £50, and that all went to the tributors.

721. *By the Hon. N. Fitzgerald.*—That was the amount of the concession?—That was the amount of the concession.

722. *By the Hon. R. Simson.*—You suggest a sliding-scale, to pay the owner of the property according to the richness of the quartz?—Yes; that the company shall have some profit. There was a period of three years when we got nothing at all, and they got £13,000.

723. *By the Hon. F. S. Dobson.*—Would not that be obviated in cases of future contracts, by making this payment of per centage upon the nett profits and not the gross?—For the future I think that would be provided for in the agreements. This was made twenty-one years ago, when we had no experience of quartz. We thought nothing less than an ounce to the ton would pay to crush, but by the immense improvements in the machinery and the great extent of the work we are doing we can make 5 dwts. pay; and it is better to take that out than to lose it; but, if the present charge be continued, thousands of tons must be left in the mine. We cannot afford to lose by it. The deeper you go the more it costs, and the ground is getting harder to drive. Where it did cost £1 a foot to drive, it costs £5 now.

724. *By the Hon. J. P. Bear.*—Yours is an English company, the shareholders are in England?—Yes, there is a double company, there is a company at Clunes, but it is all under my management.

725. *By the Hon. the Chairman.*—If these mines under your management had been stopped, these mines would have been stopped altogether?—Yes.

726. And the owners would have been receiving nothing?—No.

727. Your property has been improved and the proprietors have had their per centage?—They have had their money with the exception of the concession that I mentioned, and which is nearly run out; in a few months more it will amount to £2300, the sum agreed upon; and also the concession mentioned in the paper read in the Lower House, upon quartz yielding below four dwts. per ton, and which now amounts to about £40 or £50. Originally the royalty was 10 per cent., but two years after the agreement was made it was reduced to $7\frac{1}{2}$ per cent. conditionally upon my agreeing to crush 500 tons of quartz per week instead of 300 tons.

728. *By the Hon. J. P. Bear.*—Is this the only freehold you have been connected with?—No, I am connected with a few others to a very small extent. I have a small interest in that one at the Vintingbool estate that I think you have had before you. I am a very small shareholder.

729. *By the Hon. the Chairman.*—Have you ever had any trouble with any party you have leased land to?—I have a small interest in the Coliban company that led to the decision in the Privy Council.

730. *By the Hon. F. S. Dobson.*—Do you know a single instance where the owner of freehold property has absolutely declined to allow of mining operations?—I have had no personal experience of that—I have never applied and been refused, but I do not know what other people have experienced. It has never come under my notice. When I made this agreement it was assumed that the gold passed with the title to the land. I do not want to upset this agreement, I merely want some tribunal where we can settle disputes and let us go on mining.

731. *By the Hon. the Chairman.*—Where mining does not pay?—Yes, I cannot throw up an agreement without removing all the machinery—it is ruin—and to discharge four or five hundred men is a serious affair.

732. *By the Hon. F. T. Sargood.*—You want a court of arbitration?—Yes, for past agreements. If I were making this agreement now I should provide for all those things; but twenty years ago we were inexperienced.

733. *By the Hon. J. P. Bear.*—Do not you think a freeholder should have the power of having the agreements revised as well as the lessee?—If he applied to have those agreements revised it would go against him.

734. *By the Hon. F. S. Dobson.*—But take a case where he is getting too small a royalty?—I think you cannot do better than leave the agreements for the future to the settlement of the parties, the applicant and the owners or lessees; but it is only for the past, as in my instance, where it is found to be excessive.

735. But the question asked you deserves answering, and you are able to do it, I think. Supposing that a landowner is extortionate—charges $7\frac{1}{2}$ or 10 per cent.—the miners are doing an equally good stroke upon equally good land and only pay $2\frac{1}{2}$ per cent.—is not the landowner equally entitled to arbitration as the miner in the other case?—I think what is good for one case is good for the other. In my mind, if the quartz were to yield two ounces to the ton, I would not have the least objection to give him ten per cent.

736. *By the Hon. J. P. Bear.*—Taking the average of the time you have been working, it has paid your shareholders very well, has it not?—Pretty fair. I only complain of the excessively poor years I was to pay $7\frac{1}{2}$ per cent. for quartz that yielded over an ounce, and we never had quartz over an ounce, and there was no concession. If I had known what quartz mining was to turn out I would have provided for it.

737. *By the Hon. J. P. Bear.*—Rather than see that large property stopped, would they not, think you, come to any reasonable terms?—They will not do it, and I cannot get them to do it without using means that I do not like. I do not want to quarrel and discharge 200 or 300 men. I consider it my duty to bring this matter forward.

738. Have you thought the matter out?—I cannot see the slightest difficulty in cases where disputes arise upon past agreements for the future; we do not need it. We all know the state of things now, but I did not know it at that time. If I had known how matters were running—how quartz would run down in the yield—I should have provided for it twenty-one years ago.

The witness withdrew.

Adjourned to Tuesday next at Half-past Two o'clock.

TUESDAY, 13TH NOVEMBER 1877.

Members present :

The Hon. J. A. WALLACE, in the chair ;

The Hon. T. T. a'Beckett
F. T. Sargood
J. P. Bear

The Hon. R. Simson
Sir S. Wilson
R. D. Reid.

William Lane, Esq., examined.

739. *By the Hon. the Chairman.*—Where do you reside?—At Alma Road, St. Kilda.

740. Have you read the Bill that is now before the House on Mining on Private Property?—I have.

741. Have you formed any opinions upon the Bill?—I have gone into the matter with Mr. Moule, and he has got all information here.

742. Have you got any property of that class now let or leased?—I am part the proprietor of the paddock which is worked by the Port Phillip Company, Clunes.

743. How long is it since you leased that piece of property to the Port Phillip Company?—It bears date 1st January 1857, for 21 years.

744. Has that claim been at work continuously ever since?—It has never ceased being worked ever since.

745. Do you get a royalty or a rent per acre?—I get a royalty; it has varied several times during the currency of the lease.

746. *By the Hon. T. T. a'Beckett.*—Are not all the facts you could give us in evidence set forth in your petition?—Yes.

747. You say the royalty was altered two or three times?—It has been reduced from 10 per cent., which it was originally, to about 6 per cent. which it is at present.

748. Are you only getting 5 per cent. now?—It is equal to that now; perhaps 6 per cent. at the outside. It is $7\frac{1}{2}$ per cent. less 25 per cent. off the $7\frac{1}{2}$.

749. Do you allow the 25 per cent. off?—We do, when the mine has grown poor, occasionally we have made a reduction to them when they sought a reduction. We relinquished the royalty on the alluvial for a considerable period in 1866.

750. We understood Mr. Bland the other day that the claim got so very poor that they were going to abandon it, but sooner than let them abandon it you consented to reduce the royalty for a time and as soon as the claim got in better order you would resume your royalty?—Last October they applied for a reduction of the royalty.

751. Or October twelve months?—October twelve months they applied for a reduction. We asked them what they required.

752. *By the Hon. J. P. Bear.*—Was that the first application they made for a reduction?—There was a reduction about fifteen years ago. The original contract is 10 per cent. ; then, for certain reasons, we reduced it to $7\frac{1}{2}$ per cent.

753. *By the Hon. the Chairman.*—Is that permanent?—Yes.

754. *By the Hon. Sir S. Wilson.*—How long is that ago?—Fifteen years ago.

755. *By the Hon. J. P. Bear.*—Was it done all at one jump?—Yes, at one jump.

756. *By the Hon. Sir S. Wilson.*—Upon what grounds?—To increase the quantity crushed. Originally they only were to crush 300 tons a week, and it was upon certain conditions that we, about fifteen years ago, reduced by $2\frac{1}{2}$ per cent., coming down from 10 to $7\frac{1}{2}$.

757. *By the Hon. the Chairman.*—What was the reason of that reduction?—There would be a greater quantity of quartz crushed per week than the contract set forth.

758. But in making a reduction from 10 to $7\frac{1}{2}$ per cent., did they limit the quantity of quartz to be crushed per week?—No; they were only to crush 300 tons a week by the first contract. They said, "If you reduce the royalty, we will increase the stamping power, and crush as much as we can take to the mills."

759. *By the Hon. J. P. Bear.*—Was it another inducement that they should crush poorer quartz?—Yes, that was another reason.

760. *By the Hon. the Chairman.*—But you are now getting 15 per cent.?—How is that? That is not so.

761. By the machinery and labor expended by the Port Phillip Company?—And at that time the quartz was yielding an ounce to the ton, and now it only yields six or seven pennyweights.

762. That does not affect you, if you get a per centage upon the gross returns?—Our per centage is much less now than it was then.

763. *By the Hon. Sir S. Wilson.*—Do we understand you that the company crushed quartz on account of this inducement, that they were before throwing away, and did not care to work?—They need only crush, I think it was 300 tons a week, and we made an agreement that if they crushed everything, and increased their crushing powers, we would reduce the per centage, and that was done; they need only crush quartz at an ounce to the ton before.

764. So that by this arrangement they could take the mine as it came, and there was less waste?—Yes; there was no picking.

765. How long did this arrangement go on satisfactorily?—To the present day.

766. Have you had applications for reductions since then?—Yes, and we have made them in every instance but one.

767. When was that?—In 1873; they applied for a reduction, and we refused to make the reduction.

768. *By the Hon. J. P. Bear.*—Four years ago?—Four years ago.

769. *By the Hon. the Chairman.*—Can you tell what it will pay for raising the poorest quartz that the Port Phillip Company can make pay—they pay you $7\frac{1}{2}$ per cent. just now?—I think certainly about 5 dwts. would pay all parties well.

770. Then all under 5 dwts. must lie underneath the ground?—No, I do not say that—4 dwts.

771. Then all under 4 dwts. must lie under the ground?—I do not say that.

772. Unless the company lose $7\frac{1}{2}$ to raise the quartz?—At present the company pay us $3\frac{3}{4}$ per cent. upon any yield less than 4 dwts. and 25 per cent. off the $3\frac{3}{4}$ per cent.

773. From a statement handed in by Mr. Bland, for three years the company were out of pocket, while the proprietors received £13,000 dividends?—Did Mr. Bland tell you that for the first seven years of the mine's existence while we were receiving only $7\frac{1}{2}$ per cent. they took out of the mine £130,000 worth of gold.

774. Mr. Bland shows us that you have received nearly 50 per cent. of the gross proceeds. The company received £260,000, and have spent £100,000 out of that, and the proprietors in royalty alone got £145,000?—I should require time to check his calculations. I can only say, generally, that whenever Mr. Bland has applied for a reduction of royalty, during the 20 years' existence of the mine, he has got it, except on one occasion in 1873, and he never has grumbled.

775. *By the Hon. Sir S. Wilson.*—What did he ask in 1873?—A reduction of from $7\frac{1}{2}$ to 5 and we refused it, and I met him afterwards, and he said, "You made a refusal and I did not expect otherwise, I did not think we were entitled to it."

776. How long is it since the last reduction?—The last was made in October 1876.

777. *By the Hon. T. T. a Beckett.*—Is the Port Phillip Company compelled to work whether they like or not?—No, the moment it becomes non-remunerate they can cease.

778. *By the Hon. Sir S. Wilson.*—You said something about the rate being reduced to $3\frac{3}{4}$ per cent.?—When it is less than 4 dwts.

779. I did not understand that, when you said just now it is $7\frac{1}{2}$ per cent. less one fourth?—That is for quartz over 4 dwts.

780. *By the Hon. the Chairman.*—When a mine is not payable, does the proprietor take the machinery over at a valuation?—No; the proprietors have, under the lease, nothing whatever to do with the machinery. We never contributed anything whatever to the machinery.

781. *By the Hon. J. P. Bear.*—What is the aggregate amount of dividends that the shareholders have received from the mine?—The Port Phillip Company lost the whole of their capital when they came to the ground they are now upon, which is £100,000.

782. Before they came to your land?—Yes; I will show you their report—[*producing a paper*]—and that in the course of their first ten years operations or thereabouts they recouped themselves the whole of that amount.

783. *By the Hon. F. T. Sargood.*—Are you of opinion that all present leases should be legalized?—Certainly, I am.

784. Whether they be for or against the lessee or lessor, as the case may be?—As far as I am personally concerned, I tell you what has transpired—during the twenty years they have had a reduction whenever they applied for it, except upon one occasion.

785. The suggestion has been made that, while the leases should be registered, yet there should be a machinery or a tribunal for arbitration to settle disputes, in the event of you, as lessor, feeling that the royalty was too small, you should be able to go to the court and get it increased; on the other hand, if the lessee felt the tribute was too heavy, they could get it reduced—very similar to the law in the old country, especially in Cornwall—how do you think that would work?—I do not know; I never heard of it before.

786. *By the Hon. Sir S. Wilson.*—What is your opinion of the Bill now before you?—I do not think it is workable.

787. *By the Hon. the Chairman.*—Have you got some documents that you wish to read?—My petition is before the House, and I think it embraces the whole of the facts; but I assert most emphatically, and I challenge Mr. Bland, or any one else, to deny my assertion that every time a reduction of royalty was applied for it was conceded, except the occasion I refer to in 1873; we were willing to meet them at all times and have done so.

788. *By the Hon. Sir S. Wilson.*—Would you consider there was any injustice in breaking up existing contracts?—I think the propriety of interfering with contracts under any circumstances is altogether a very serious thing, whether appertaining to private property or anything else.

789. *By the Hon. J. P. Bear.*—Suppose one of the parties to a contract should refuse to apply for a ratification of the contract, do you think either the owner or the lessee should apply for it?—I should not consider it fair that one party should act the part of the dog in a manger.

790. Do you think that either party should have the power to go to the Government and have the contract ratified?—I think so, decidedly. It is monstrous to suppose that, if they chose to say they will not apply to the Government, all the works, with close upon 500 hands in full work and doing well, that the whole machinery should stop. I think, in the event of my not applying, or their not applying, the Government should interfere and insist upon one party or the other applying.

791. Is this the only company at work upon the land?—Yes, the only one.

792. *By the Hon. T. T. a'Beckett.*—In the event of both parties not applying, it shows that the thing is not worth mining?—It shows it is not payable.

793. But if either party applies, should the lease be granted subject to the existing agreement?—Yes.

794. *By the Hon. Sir S. Wilson.*—Do you approve of the power in the Bill giving the power to the Minister to grant or refuse a lease?—Certainly not.

795. *By the Hon. the Chairman.*—If neither party applies for a lease, would you not let a third person come in and take a lease?—How could such a case arise? It shows that the ground is not productive—no difficulty arises then—they are both sick of the lease, that is evident.

796. *By the Hon. J. P. Bear.*—Do you reserve the grazing rights?—No, they have everything they desire. We never interfere with them in the slightest degree, and never have, and a complaint has never been made. I challenge Mr. Bland to assert to the contrary, except upon the single occasion I refer to in 1873.

797. Practically your agreement with the company is upon a sliding scale?—Yes, according to circumstances, and that has been our policy throughout.

798. *By the Hon. T. T. a'Beckett.*—You say the lessees have the power to put an end to the lease if they think fit?—Yes.

799. What becomes then of the machinery and plant?—It goes to the company, and the owners of the fee have no interest in it.

800. But what have the company to do with it then; they have no ground in working if the lease ends?—About 10 years ago, at their request, we agreed to give them an extension with a lease for 21 years from the expiry of the existing one, so that for 21 years yet that cannot take place.

801. But they can, if they think proper, throw up the lease at any time?—They can at any time.

802. Suppose they do so, and say they cannot work at a profit, what becomes of all the plant?—It is the property of the Port Phillip Company.

803. They have got plant upon land that does not belong to them; they are no longer the lessees; I suppose they must remove it?—I fancy so, but my memory is not very vivid upon the lease.

804. *By the Hon. J. P. Bear.*—It does not belong to the freeholder?—No.

805. They have permission to take it away?—Yes.

806. *By the Hon. T. T. a'Beckett.*—You could give the permission to some other person to work your mine?—Yes; but not with their machinery.

807. Then what would they do with it?—Take it to better ground, if they could get better ground.

808. *By the Hon. Sir S. Wilson.*—How would the Bill affect your contract?—As far as my interpretation of it goes, it renders it almost null and void.

809. The lessee might refuse to apply for a lease?—Yes, Mr. Bland's statement to us, quite recently, was that he wanted no change, and he has never asked for a change, but he has got it.

810. *By the Hon. the Chairman.*—Is there any evidence that you wish to give to us, any part of the Bill you wish to remark upon?—I am not sufficiently acquainted with the legal bearings of the matter to make suggestions.

811. *By the Hon. T. T. a'Beckett.*—You came here because you desired to express your views to the Committee?—I think so, and to give you any information that I could do; I have nothing to keep back at all; if there is anything I can inform you upon I shall be most happy.

812. You desire to come here to point out the desirableness of legalizing by the Bill any existing contracts?—Yes; and I believe my case is the strongest case in point. The lease has been carried on for twenty years and not a single murmur or demur, and in no case have they applied for a reduction of the royalty but they have got it.

William Lane,
Esq.,
continued.
13th Nov. 1877.

813. Do you think the property could have been worked as advantageously by individual miners as by a company?—No, never, it was quite impossible; there were four leads running parallel to each other, cropping up upon the surface. There was no expensive mining there in the first instance; there was simply a tunnel there. The first quartz was taken from there. They had not to mine it, the expense was then trifling.

814. *By the Hon. Sir S. Wilson.*—If they had had to mine in the ordinary way it would not have been so advantageous to the miners?—No, it would have had to be abandoned long ago; It was the singularly fortunate circumstance of the way the quartz lay, and water being close too, and the four reefs cropping up.

815. *By the Hon. T. T. a' Beckett.*—How many acres are there in the lease?—One hundred and sixty.

816. *By the Hon. the Chairman.*—I think Mr. Bland said they had used 40 acres of it?—They have a lease of the 160 acres, but they have not worked it all.

817. *By the Hon. Sir S. Wilson.*—Is there much of the ground likely to yield well that has to be worked?—We cannot tell as to the difference between the 40 and the 160, never having been tried, but as to the depth that the reefs go to no one can determine.

818. Are the prospects pretty good?—I believe the prospects at the present moment are brighter than ever, quite as bright at any rate.

819. Is the yield keeping up?—I think all the combined profits of the two companies within the last twelve months is something like £20,000.

820. *By the Hon. the Chairman.*—£27,000. £5556 and £21,467?—Yes; that is within the last twelve months. Is that Mr. Bland's evidence?

821. Yes?—That is for 1876-7.

822. *By the Hon. R. D. Reid.*—Is that clear for the shareholders?—Yes.

823. *By the Hon. Sir S. Wilson.*—Dividends?—Yes, of which the Port Phillip Company have received two-thirds. Out of the £21,467, part went to the Port Phillip Company, part to the Clunes Company. The London Company does the surface work, and the Clunes Company does the underground work. The Clunes Company is an affiliated company to the London Company, and the proportion is 13s. in the pound to 7s. in the pound.

824. *By the Hon. J. P. Bear.*—With regard to mining upon private property in the future, what is your opinion?—My opinion has been all throughout that, a short Bill legalizing existing contracts, and a short clause legalising any contracts that may be entered into by the owners of the fee with the miners, would suffice; there should be no interference whatever.

825. Do you think the gold obtained from private land should pay a royalty, in view of the recent decision of the Privy Council; a royalty to the Crown?—Why should this colony be an exception to the other colonies, where no such royalty is paid?

826. Do not you think that a small royalty should be paid to the Crown, now that it has been decided that the gold does not pass with the land?—I believe a miner does not pay a royalty upon Crown land.

827. *By the Hon. Sir S. Wilson.*—Would you think that gold taken out of private property should be in a different position?—I certainly think not.

828. *By the Hon. the Chairman.*—You think there should be no interference at all by the Minister?—I think not.

829. You think the lease should not issue at all except between the owners and the miners?—No.

830. Then how would you arrange under the labor covenants which are provided for in leases upon Crown lands?—I cannot speak with any confidence as to the law upon the subject.

831. You know that under the Regulations for leases upon the Crown lands, according to the quantity of ground you hold, there are a certain number of miners that you must keep constantly employed; should it not be the same upon private as upon Crown lands?—I think myself that all those things should be under one regulation.

832. You think mining upon private property should be under the same regulations as upon Crown lands?—I have not given the matter the slightest study. The question you put to me *impromptu* I have never considered, and therefore I would not wish to express an opinion.

833. *By the Hon. R. Simson.*—Have you seen the Regulations attached to the Bill?—I have not seen them. I have not had any experience in mining upon Crown lands.

834. *By the Hon. J. P. Bear.*—Do you know of any auriferous lands in the hands of private individuals upon which the owner refuses to make an agreement?—I do not.

835. *By the Hon. Sir S. Wilson.*—You have not heard of any case in which the owner refused to let the miner come in?—No. I hold a large quantity of land in Clunes, my private property, said to be auriferous, and I have not made any difficulty about leasing.

836. *By the Hon. the Chairman.*—Have you heard of any cases where the owners made exorbitant demands?—No. I know I have been always ready and willing to let them come in and mine, but they will not do it.

The witness withdrew.

Frederick George Moule, Esq., examined.

F. G. Moule,
Esq.,
13th Nov. 1877.

837. *By the Hon. the Chairman.*—The Committee will be glad to hear any statement you desire to make upon the subject before them?—I may say I represent five-eighths of the freehold of the land of Mr. Lane's.

838. You have heard the evidence of Mr. Lane, have you anything different to state?—Not with regard to the company.

839. But in reference to the Bill?—In the Bill there are a few suggestions that I might be allowed to make to the Committee. In the first place, with regard to owners of land mining by themselves, there is no provision in the Bill that they shall absolutely have the right to a lease; the Minister has the option of refusing it.

840. *By the Hon. Sir S. Wilson.*—You consider that the owner ought to have the option, if he choose to mine, to take the gold?—Most certainly. I do not object if the principle is to be conceded

that the gold belongs to the Crown, though I think that is altogether a myth, that the owner should be obliged to take out a lease, but he should certainly have an absolute right to it; the Minister should have no choice in the matter.

F. G. Moule,
Esq.,
continued,
13th Nov. 1877.

841. *By the Hon. the Chairman.*—You admit, of course, that he must carry on the labor covenants?—Certainly.

842. *By the Hon. Sir S. Wilson.*—You say you consider the right of the Crown to the gold a myth. How can you make that statement in the face of the recent decision of the Privy Council?—Because I think it a simple absurdity to put any particular value upon gold more than any other extract from the ground. Gold often costs more to take out than it is worth and ought to be no more subject to a royalty than a potato; of course the abstract right is conceded.

843. *By the Hon. J. P. Bear.*—Have you any suggestions to put in writing?—I have had some clauses drawn by counsel which I hand in.—[*Vide Appendix B.*]—I may say that these clauses do not interfere with the principle of the Bill at all. They were simply drafted in the first place to protect owners mining for themselves, and in the next place to preserve existing agreements.

844. *By the Hon. T. T. a'Beckett.*—What part of the Bill would they come in at?—Clause 10 of the Bill.

845. *By the Hon. J. P. Bear.*—Do those clauses refer entirely to existing contracts?—They do.

846. What is your opinion as to future mining on private property?—Conceding the principle that the gold does belong to the Crown, I have no objection at all to the Crown issuing a lease to anybody to enter upon mining land for the purpose of taking the gold.

847. Without the consent of the owner?—Without the consent of the owner, that is conceding the correctness of the principle, but I deny that altogether.

848. *By the Hon. the Chairman.*—Do you think that the Government should charge a small royalty upon all gold raised from private lands?—I think, to be consistent with their right to the gold, they ought to charge a royalty upon all gold from all lands.

849. *By the Hon. Sir S. Wilson.*—Do you think the Crown has a greater right to a royalty from gold in the private lands than from Crown lands?—No, certainly not, just the reverse, for this reason, that the Crown may have sold this land for 10, 20, or 30 pounds per acre and never have sold the leasehold at all. There is another point I wish to mention. There is no compensation in the Bill for severing land. There is very often great loss in severing land, it might cut off the whole of a watercourse from the land.

850. Do you consider that the arrangement made for taking land for railway purposes is a better arrangement than that in this Bill?—Yes, a great deal better. The Lands Compensation Statute would be exactly applicable to this case.

851. And it would be just to all parties?—I think so.

852. *By the Hon. J. P. Bear.*—Would a miner mining upon his own property have a preferential claim to a lease?—Certainly, it is mere robbery if he has not.

853. You said just now that any one might enter to mine under a lease?—The first point I want to point out is, that there is no provision to give the owner absolute priority, which he ought to have. I have in my mind the Bank of Victoria, who have lately been obliged to become the owners of the Winter's Freehold Company. The value of that property as land is not more than £10,000, but the value of the property as a mine is perhaps £30,000. Now, as the Bill stands, any outside person can go and put in an application for a lease of the whole of that mine and get it, notwithstanding the bank may apply, and there is no compensation to be paid to the bank for the money expended—which is their money—in sinking shafts, making the drives, putting up the machinery, and everything connected with it.

854. *By the Hon. the Chairman.*—Do you say the actual value of the land itself does not exceed £10,000?—Yes, the land value of it.

855. Can you tell us the actual amount of mortgage that the bank had given upon that land?—Yes, I could, but I do not know that I should be justified in stating.

856. It may be very valuable evidence, because there are many cases of the same kind?—Yes, it was £30,000.

857. *By the Hon. Sir S. Wilson.*—Which would be virtually confiscated if this Bill became law?—It would be absolutely confiscated, because the land, if valued now and sold, would not bring more than £10,000, so that they would lose £20,000.

858. You consider that the owners should have the option of taking a lease before any other person?—Yes, the principle is conceded by the present Bill, but it does not go far enough. One other point that I wish to mention is that the word "owner" in the Act should include the words "mortgagee entitled to possession." That is a very important thing, because a great many owners of mines are only so nominally, their interests being fully mortgaged—for instance, three-eighths of this Port Phillip mine, which belonged to Mr. White, were mortgaged to the bank of Van Dieman's Land, and they are in possession. In the eye of the law they are not the owners, and could not get a lease under this Bill, but they ought certainly to have it. As to the compensation for severance, there is something in line 38, clause 4, of the Act which, I believe, has misled some members. It says the expense of severing the land, but it does not include compensation for severance. It provides for damage done to the surface, but nothing for damage caused by severing. The expense of severing is simply putting up a fence.

859. *By the Hon. J. P. Bear.*—Do you think the powers proposed to be conferred upon the Minister by this Bill excessive?—I think they are very ill defined.

860. Such as they are, what is your opinion of them?—I do not approve of them at all, and I think the Regulations are fearfully complicated.

861. Do you think the Regulations ought to form part of the Bill?—Most certainly, they ought, or else they may be altered in a variety of ways. For instance, the Regulations provide that no lease may be issued for more than thirty acres.

862. *By the Hon. F. T. Sargood.*—But it does not provide that he shall not hold more than one lease—he may hold thirty leases?—No; but he could not carry out the labor covenants upon thirty separate leases—that would be impossible.

863. *By the Hon. the Chairman.*—He may, under the present Regulations, apply for an extended lease?—Yes; and he may have several leases consolidated—that often happens.

F. G. Moule,
Esq.,
continued.
13th Nov. 1877

864. *By the Hon. R. Simson.*—Have you had any experience of any difficulty experienced by any miners in getting upon lands?—I have made inquiries of everybody who was likely to tell me, and I have not heard of a single instance in which the parties have not come to terms. I do not think such a thing ever happened.

865. *By the Hon. J. P. Bear.*—What is your opinion of the last clause of the Bill, making it a misdemeanor to take the gold out of your own land?—I would rather not give an opinion upon that—I might use rather strong language if I did.

866. *By the Hon. F. T. Sargood.*—In what way would you provide a penalty then?—I would not provide a penalty at all. I do not think a man ought to pay any penalty at all.

867. Although it does not belong to him?—But no one else claims it.

868. Does not the Crown?—No, that is one of the principles of the Bill. The Crown does not claim the gold.

869. But it claims the right of giving it to some one else?—Yes, but here no one claims it.

870. *By the Hon. the Chairman.*—The penalty for violating the Act in your opinion would be that, if he did not apply for a lease, some one else might let them jump the claim?—Yes.

The witness withdrew.

APPENDICES.

APPENDIX A.

[Papers handed in by R. H. Bland, Esq.]

Suggestions for the future.

Owners of property supposed to be auriferous should be allowed to arrange with miners or mining companies the terms upon which the same can be worked under regulations issued by the Mining department, so as to insure *bonâ fide* mining being carried on with restrictions as to area and such other conditions as may be deemed necessary.

In the event of the owners of the land and the applicants to mine being unable to agree as to the terms of payment for surface damage or other conditions, the same shall be referred to the Judge of the Court of Mines for the district or other tribunal provided for by the Act, whose decision, with or without assessors, should be final.

Suggestions as to cases of existing agreements when bonâ fide mining has been carried on for a certain fixed period.

These should be legalized and authority given the lessee to continue operations under existing terms, reserving power to the lessee to have the terms of payment reviewed and modified where the same are found to be excessive and calculated to interfere with the proper working of the mine; and I would suggest the local judge of the Court of Mines, with or without assessors, the proper tribunal.

I will instance the lease under which the Port Phillip Company holds the mine at Clunes. This mine has been worked for a period of nearly 21 years, during which time 985,165 tons of quartz has been raised, and the total yield of gold, including alluvial, amounted to 420,226 ozs. During the last 14 years the quartz raised by the company was 762,188 tons with an average yield of gold of 6 dwts. 6½ grs. per ton.

During the whole of this period the full royalty of 7½ per cent. on the gross yield, amounting to one-third of the total profits, has been paid the proprietors, with the exception of a recent temporary reduction made for a special purpose.

When the mine was taken under lease by the company in 1857 it was assumed that the gold had passed with the title; now, however, that a recent decision of the Privy Council has decided that the gold still belongs to the Crown, and the Victorian Government intend exercising their right to it in the interest principally of the mining community, it appears to me only reasonable that, if existing agreements are legalized in the interest of the land owner, that the interest of the lessee should also be cared for, and some ready and easy method provided for reviewing the terms of rent or royalty paid the owner when such is found to be oppressive.

R. H. BLAND.

STATEMENT SHOWING ROYALTY PAID LANE AND CO., AND DIVIDENDS PAID BY THE PORT PHILLIP AND CLUNES COMPANIES.

Year.	ROYALTY.			DIVIDENDS.								
	Lane and Co.			Port Phillip Company.		Clunes Company.		Port Phillip and Clunes Companies.				
	£	s.	d.	£	s.	d.	£	s.	d.			
1857-1858 ...	8,780	13	3	...	...	...	2,580	0	0
1859 ...	9,048	14	7	6,627	10	0	2,200	0	0			
1860 ...	5,135	14	4	6,199	15	0	5,548	0	0			
1861 ...	7,178	3	2	4,701	10	0	8,712	0	0			
1862 ...	6,479	18	4	11,713	10	0	13,167	0	0			
1863 ...	6,850	4	5	16,589	5	0	6,831	0	0			
1864 ...	5,227	1	9	11,772	12	6	1,782	0	0			
1865 ...	6,839	18	7	4,912	10	0	5,148	0	0			
1866 ...	6,980	0	9	9,606	5	0	6,435	0	0			
1867 ...	9,755	1	5	14,191	0	0	12,969	0	0			
1868 ...	8,458	4	3	21,460	0	0	14,751	0	0			
1869 ...	7,712	14	7	12,187	10	0	6,039	0	0			
1870 ...	4,081	8	5	7,312	10	0	990	0	0			
1871 ...	5,639	19	0	4,875	0	0	4,391	0	0			
1872 ...	4,959	14	11	4,875	0	0	1,200	0	0			
1873 ...	4,293	9	4	...	...	...	...	...	...
1874 ...	4,316	1	10	...	...	...	...	...	...
1875 ...	3,978	8	6	...	...	200	0	0	200	
1876 ...	4,390	3	5	4,875	0	0	...	...	4,875	
	£120,105	14	10	£141,898	17	6	£92,943	0	0	£234,841	17	6
1877 ...	5,536	5	5	Profits for the year	21,467	1	3
	£125,642	0	3	Reserves—P.P. Co. ...			£5,300	6,600	0	0
				Clunes Co. ...			1,300			

£262,908 18 9

R. H. BLAND.

APPENDIX B.

SUGGESTIONS BY MR. MOULE.

(To come in after Clause 10.)

Owner mining within twelve months before the passing of this Act, to take lease within six months after passing of Act.	Where the owner of private lands either by himself or his agent has mined in or upon such lands within a period of twelve months before the passing of this Act he shall be entitled on application to the Minister to a lease of the mines thereunder but if such lease be not applied for within six months after the passing of this Act the mines under such lands may be applied for by any person under the Act.
Joint leases may be issued.	Where agreements have been made and entered into before the passing of this Act by and between owners of private lands and lessees thereof and by and between such lessees and sub-lessees thereof and by and between such owners and tributers and such lessees and tributers and such sub-lessees and tributers to mine in and upon such lands the respective parties to each and every of such agreements of owners lessees sub-lessees and tributers as the case may be in respect of the same piece or parcel of land shall be entitled upon application and upon the terms and conditions hereinafter provided to have a lease granted and issued in the joint names of each and every of the respective parties to such agreements as aforesaid.
Joint leases granted and how executed.	The Governor in Council may upon application made by the owner or lessee or sub-lessee or tributer of any piece or parcel of land as aforesaid grant in the name and on behalf of Her Majesty a lease to mine as herein provided in the joint names of the respective parties to any and every of such agreements and such lease shall be valid if executed by any one of such parties.
Observance and performance of conditions and covenants of joint leases.	It shall be the primary duty and obligation of the party to any of such agreements and to such lease who at the time of the said application shall be actually engaged in mining in or upon the piece or parcel of land for which such lease shall have been granted to observe and perform all covenants and conditions of such lease and which by the terms thereof the non-observance or non-performance of which would work a forfeiture and in the event of any default or breach of such covenants or conditions by such party then such lease shall not be declared forfeited unless and until each of the other parties to the said lease shall have had notice thereof and shall have had a reasonable time allowed to observe and perform such covenants and conditions.
Upon application for joint lease land to be deemed leased and exempted from being entered upon by any person.	If any one of the parties to any of such agreements for mining upon private land shall within six months after the passing of this Act apply to the Minister for a lease to be issued in the joint names of the respective parties to such agreements as hereinbefore provided such land from the date of such application shall be exempted from being entered upon by any other person under the provisions of this Act.
Lease not to affect or impair terms and conditions of agreement.	The issuing and acceptance of such lease shall be subject to and not in any way injure or impair or affect any of such agreements as hereinbefore mentioned or any covenant clause condition or term therein all and every of which shall be as binding and of the same force and effect upon and between the respective parties thereto as if no such lease had been so issued and accepted as aforesaid and as if such agreements had been made and entered into by and with the consent of the Governor in Council in the name and behalf of Her Majesty under the provisions of this Act.
Assignment of interest under agreement and lease to be registered.	If any of the parties to such joint lease shall have power under his agreement so made as aforesaid to assign or transfer his interest under such agreement to any other person and such party assign or purport to assign or transfer the same such assignment or transfer shall have no force or effect unless and until registered in manner provided by the Regulations to be framed under the provisions of this Act and after such registration as aforesaid the assignees and transferees shall stand in the same relation to the other party or parties respectively to the said lease and agreement and to the respective covenants and conditions therein as the assignor did.
On expiration of lease if lease granted to any person other than party beneficially entitled to machinery &c. compensation to be paid.	Whenever any such agreements shall be determined by effluxion of time or any other contingency provided for therein the party and parties who by the terms of such agreements are respectively at the time of such determination beneficially interested in the land or in the machinery plant or works respectively thereon or therein shall in the event of any other person applying for and obtaining a lease to mine upon such land under the provisions of this Act be entitled to and receive compensation to be estimated as provided by this Act for the damage he or they may respectively sustain by reason of being deprived of such land machinery plant or works or of any of them.

RAILWAY CONSTRUCTION BILL.

PETITION.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 4TH SEPTEMBER 1877.

In the matter of a Bill intituled "An Act to authorize the Construction of certain Lines of Railway by the State."

PETITION of the undersigned against the said Bill, praying to be heard by Counsel.

TO THE HONORABLE THE LEGISLATIVE COUNCIL OF VICTORIA IN PARLIAMENT ASSEMBLED:

The humble Petition of the Corporation, The Melbourne and Hobson's Bay United Railway Company, whose common seal is affixed hereto:

SHEWETH—

That between the years One thousand eight hundred and fifty-two and One thousand eight hundred and fifty-eight four separate Acts were passed by the Parliament of Victoria authorizing the construction by companies incorporated by such Acts of the following railways and works, viz. :—

1. A railway from Melbourne to Sandridge and a pier or jetty in connection therewith.
2. An extension to Saint Kilda of the last mentioned railway.
3. A railway from Melbourne to Hawthorn and Windsor.
4. A railway from Saint Kilda to Brighton and a pier or jetty in connection therewith.

That sums of money, amounting in the whole to One million three hundred thousand eight hundred and fifty pounds were expended by such companies in the construction of the railways and piers above mentioned.

That in the year one thousand eight hundred and sixty-five by Acts numbered 269 and 270 of the Parliament of Victoria, the three first-named undertakings were amalgamated and the last-named merged in the amalgamated undertaking by purchase, and they are now the property of your Petitioners, who constitute the Corporation known as The Melbourne and Hobson's Bay United Railway Company.

That since such amalgamation and purchase large sums of money have been expended by your Petitioners in the construction of new works, which by the Act Number 270, were authorized or required to be constructed, making a total expenditure upon the railways and piers first above-mentioned of One million four hundred and forty-two thousand six hundred and twenty-six pounds nine shillings and fourpence.

That in order to encourage the construction with private capital of such Railways and Piers the Shareholders in the four Companies first above-mentioned were promised Grants from the Crown for the purposes thereof of divers pieces of land of great value, and those grants were accordingly made, of which short particulars are set forth in the Schedule hereunder written.

That such grants contained reservations by the Crown of power to enter upon such lands for certain purposes therein set forth, among which were the making public ways, canals, or railroads, such reservations being of the same character as those which at the time of making such grants were usually inserted in grants of land purchased from the Crown by private individuals.

That all the lands mentioned in such grants became vested in your Petitioners under the Act Number 270 above-mentioned, and by Act Number 271 such lands, in consideration of the payment of the sums of money and the performance by your Petitioners of the conditions therein prescribed, were thenceforth to be held freed "from all reservations and exceptions contained in any Crown grant of any part or parts of such lands required, or to be required for making public ways, canals, or railroads, and also free from all rights of ingress, egress, and regress for such purposes, and from any rights of way subsisting by virtue of any proclamation made by or under the authority of the Governor in Council or by virtue of any such reservations or exceptions as aforesaid."

That there is now pending before your Honorable House a Bill intituled "*An Act to authorize the Construction of certain Lines of Railway by the State,*" and, among such lines of railway, a railway described as commencing at a point on the east side of Swanston street, near its junction with Flinders street, in the city of Melbourne, and terminating in the parish of Mulgrave, at the commencement of the railway from Oakleigh to Sale, in the line and upon the lands described in the first Schedule to the said Bill.

That it appears, by reference to such Schedule, that it includes within the limits of deviation therein prescribed a large portion of the land vested in your Petitioners, as hereinbefore mentioned, and, under the eighth clause of such Bill, any portions of the land so included, not exceeding in width one hundred yards, and in addition thereto such further portion of such land as such Board might deem necessary for station purposes, might be taken from your Petitioners and used for the Railway described in such Schedule.

That the traffic on the lines belonging to your Petitioners has of late so much increased as to render it necessary to greatly enlarge the platform accommodation at the Melbourne terminus, which enlargement has been for some weeks past in progress, and it is part of the scheme of your Petitioners' engineer for carrying out such enlargement to lay down additional lines of rails on, and utilize for the purposes thereof, the ground belonging to your Petitioners east of Prince's Bridge, having a frontage of nine hundred and seventy-five feet six inches to Flinders street, the whole of which your Petitioners would be deprived of if the Bill now before your Honorable House were to pass in its present form, and the line to Oakleigh thereby authorized to be constructed were to follow the course described in the First Schedule thereto.

That although the said Bill purports to make provision for compensating persons for the loss of land compulsorily taken for the purposes of the railways mentioned therein, it would be impossible to fully ascertain the extent of the damage immediate and prospective which your Petitioners would sustain by being deprived of the land above-mentioned, and which is now used and will in the future be required to be used to a greatly increased extent for the purposes of your Petitioners' undertaking, on the security of which undertaking your Petitioners have, under the authority of their Act of Incorporation, borrowed the sum of Four hundred and sixty-five thousand three hundred pounds upon debentures of One hundred pounds each, which are transferable by delivery.

That your Petitioners submit that the provisions of "*The Lands Compensation Statute 1869*," under which, by the seventh clause of the said Bill, compensation is to be awarded for lands compulsorily taken, are totally inapplicable to the present case, in which it is proposed to deprive your Petitioners of a portion of their Railway in order that it may be converted into another Railway over which they would have no control, and which could not be used without serious detriment to your Petitioners, and which could be used as a Railway competing with that belonging to your Petitioners for the purposes of which the land proposed to be taken from your Petitioners and to be used for such other Railway, was granted by the Crown.

That the security and interests of the Mortgagees of your Petitioners' undertaking will be seriously prejudiced if the said seventh clause be passed into law in its present shape, and confidence in such undertaking will be destroyed.

That if the said Bill be passed into law, your Petitioners respectfully submit that a clause should be inserted, enacting that the Board of Land and Works shall not enter upon or take any lands belonging to your Petitioners without their consent, given under their common seal, first had and obtained, and also providing that any moneys which may be received as a consideration for such consent, shall be applied only in the same manner as the capital of The Melbourne and Hobson's Bay United Railway Company.

That your Petitioners regard the said Crown Grants and Acts of Parliament before referred to as a Charter containing their rights and privileges, and upon the faith of which large sums of money have been from time to time invested, borrowed, and expended, and that so long as the conditions contained in the said Crown Grants are performed by your Petitioners, the taking away, as contemplated by the Bill now before your Honorable House, of any portion of land so vested in your Petitioners will be a violation of their rights and contrary to all precedent and to that high and scrupulous regard for vested interests which has always characterised the legislation of those countries forming portions of the British dominions.

Your Petitioners therefore humbly pray that the said seventh clause may not be allowed to pass into law as it now stands, and that your Petitioners may be heard at the bar of your Honorable House, by their counsel, against so much of the said Bill as affects the interests of your Petitioners, and that they may have such other and further relief in the premises as to your Honorable House shall seem meet.

And your Petitioners will ever pray, &c.

SCHEDULE.

Date of Grant.	To whom Granted.	Where Land situated.	Area.		
			A.	R.	P.
4th June 1855	{ The Melbourne and Hobson's Bay Railway Company	Parish of North Melbourne, town of Melbourne	9	2	35
		Parish of South Melbourne	20	1	9
		Parish of South Melbourne, at Sandridge	24	2	15
		Parish of South Melbourne, municipality of Emerald Hill	5	3	3
30th November 1859	Ditto	Ditto	10	2	27
		Ditto	18	3	30
		Ditto	9	2	19
16th January 1863	The Melbourne Railway Company	Parish of Jika Jika	28	2	21
		Ditto	15	3	7

The Common Seal of the Melbourne and Hobson's Bay United Railway Company was hereunto affixed by order of the Directors, in the presence of—

THOS. T. A'BECKETT,
Chairman.

(COMMON SEAL.)

THOMAS FINLAYSON,
Secretary.

VICTORIA.

DRAINAGE OF MINES BILL.

PETITION.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 27TH NOVEMBER 1877.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA
IN PARLIAMENT ASSEMBLED.

The Petition of the Mining Board for the Mining District of Ballarat :

HUMBLY SHEWETH :

That the Bill now before Parliament, entitled "*An Act to amend the Laws relating to the Drainage of Mines,*" requires amendment, and your Petitioners humbly submit the following suggestions for the favorable consideration of your Honorable House :—

That Clause 1 provides, that the Act shall be read with and construed as part of the Mining Statute 1865. Clause 1.

That the interpretation of the word "mine" and the words "owner of any mine," in Clause 2, appears to extend the provisions of the Bill to private property : your Petitioners would respectfully point out that such interpretation appears to be repugnant to the interpretations given in Section 3 of the Mining Statute 1865, which refers to Crown lands only. Clause 2.

That owners of mines will be liable to pay drainage expenses the moment they take possession of such mines, and before the surface has been broken, without regard to the depth of the water level from the surface, which does not appear to your Petitioners to be either equitable or fair, and which would have a direct influence in preventing the occupation of mining lands for mining purposes in the neighbourhood of a drainage company, and might prove most disastrous to struggling companies now in existence who cannot, under any circumstances, expect to receive any return from their mines until after, and in some cases long after, they have reached the water level, more especially in the case of alluvial mines ; your Petitioners are therefore of opinion, that no owner of a mine should be made liable to pay any portion of the expense of drainage until after the works in such mine have reached the water level. Clause 3.

That under the Mining Statute 1865 application may be made for an injunction to restrain parties from working their mine pending the settlement of disputes, which, if obtained, would in many cases ruin the parties against whom such injunctions are granted ; provision should therefore be made making it impossible for injunctions to be granted in cases of drainage disputes.

That special provision should be made in the Bill so as to insure that assessors shall be selected from mining experts alone.

That instead of an appeal from the warden to the Judge of the Court of Mines, which would, as a rule, involve the litigants in great expense and loss of time, power should be given to the warden to state a special case to the Chief Judge of the Court of Mines for his opinion, and such opinion should be binding on all parties interested in the suit.

That the interest on the value of machinery and plant should be specified in Sub-Section A, Clause 4, and should not exceed ten pounds per centum per annum. Clause 4 (Sub-Section A).

That the said Bill is silent as to the money value of the water drained, either to the owner of the machinery who drains it and who may use it, or to the owners of other mines who may desire to purchase it. Provision should be made in the Bill by which the money value of so much of the water drained as may be used by the owner of the machinery which drains it may be estimated, and the sum so estimated, together with such other sums as may be obtained from the sale of the surplus water, should be placed to credit as a set-off to the cost of such drainage.

Your Petitioners therefore humbly and earnestly pray that your Honorable House will be pleased to give the foregoing suggestions favorable consideration ; and if, in its wisdom, the House shall see fit to approve of them, that the Bill referred to may be amended accordingly.

And your Petitioners, as in duty bound, will ever pray, &c.

WM. L. JONES,
Chairman for and on behalf of Ballarat Mining Board.

Mining Board Office,
Ballarat, 26th November, 1877.

VICTORIA.



VOTES
AND
PROCEEDINGS
OF THE
LEGISLATIVE
COUNCIL.

SESSION

1877-8.