

VICTORIA, VOTES & PROCEEDINGS OF THE LEG. COUNCIL, 2ND & 3RD SESS: 1867.





VICTORIA.



VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

DURING

1867,

(SECOND SESSION.)

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

By Authority:

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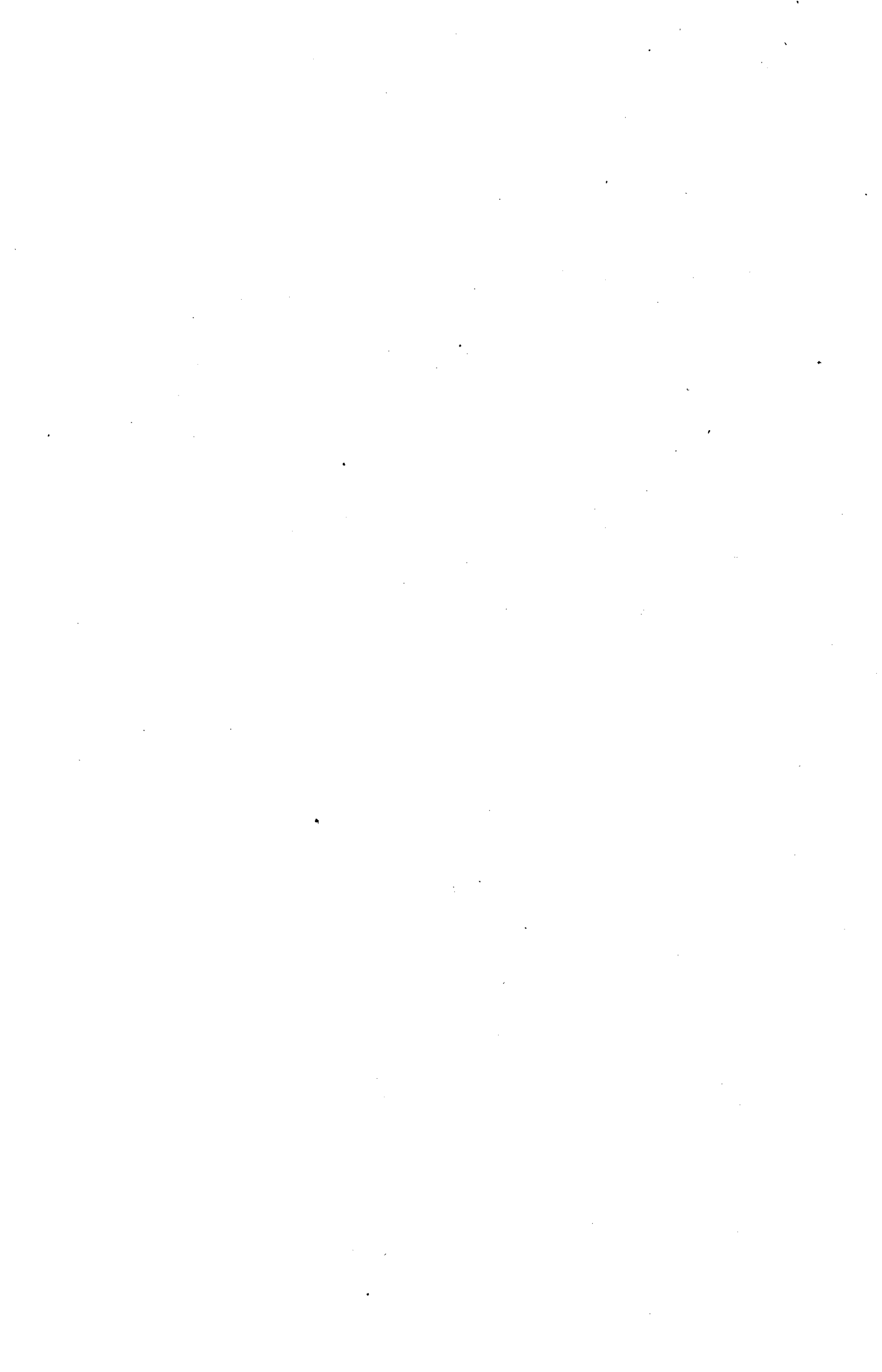
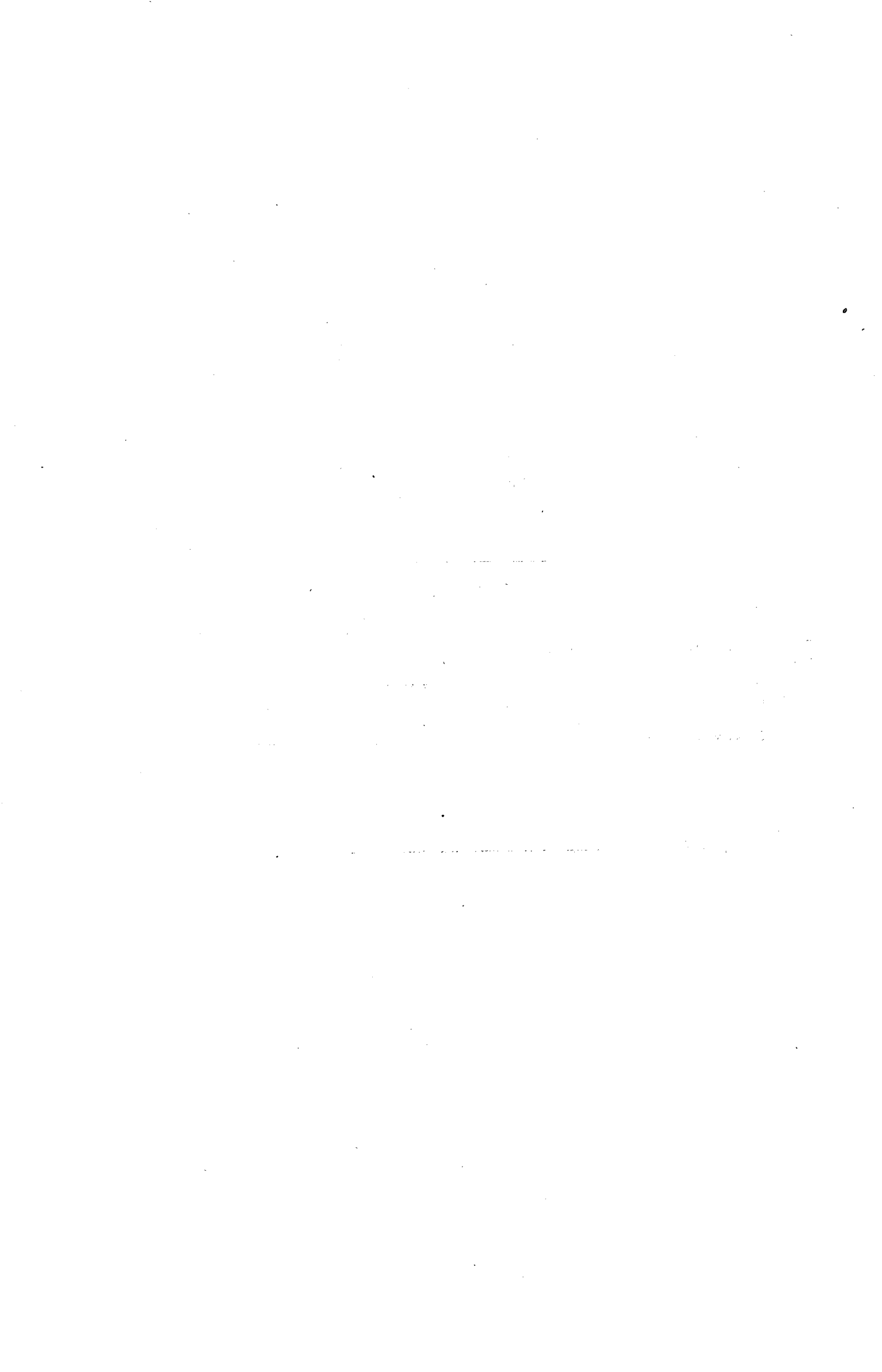


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1867.
SECOND SESSION.

RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 18TH SEPTEMBER, 1867, AT THE
OPENING OF THE THIRTEENTH SESSION OF PARLIAMENT.

Names arranged in the Order of Retirement.	Elected at—		Remarks.
	Nomination.	Polling.	
CENTRAL PROVINCE:			
James Graham	20th Sept., 1866.		
John Pascoe Fawkner	20th Sept., 1864.		
Thomas Howard Fellows	22nd Sept., 1862.		
George Ward Cole... ..	20th Sept., 1860.		
Thomas Turner a'Beckett ... ..	...	21st Sept., 1858.	
SOUTH PROVINCE:			
John Sherwin ... ..	...	3rd Oct., 1866.	
William Henry Pettett ... ..	...	3rd Oct., 1864.	
W. J. T. Clarke ... ..	...	29th Sept., 1862.	
William Degraives	18th Sept., 1860.		
John Pinney Bear ... ..	...	1st June, 1863.	
SOUTH-WESTERN PROVINCE:			
Thomas Learmonth ... ..	...	11th Oct., 1866	Declared duly elected, on petition (12th March, 1867), in place of the Hon. G. Rolfe. The Honorable T. Learmonth was elected by nomination (5th February, 1867) to the vacancy caused by the death of the Honorable John Lowe on the day of opening of the first session (1867); but he elected to sit in place of the Honorable G. Rolfe, with whom he had contested a seat in 1866, and who was unseated on petition 12th March, 1867. The Honorable R. C. Hope was then elected.
Robert Culbertson Hope ... ..	...	23rd April, 1867	
James Henty	27th Sept., 1862.		
John McCrae ... ..	...	8th Oct., 1860.	
Caleb Joshua Jenner ... ..	...	17th Mar., 1863.	
WESTERN PROVINCE:			
Stephen George Henty	6th Oct., 1866.		
James Ford Strachan ... ..	...	8th Aug., 1866.	
Neil Black	6th Oct., 1862.		
Sir James Frederick Palmer	5th Oct., 1860.		
Charles Sladen	11th July, 1864.		
NORTH-WESTERN PROVINCE:			
Alexander Fraser	19th Oct., 1866.		
Nicholas Fitzgerald ... ..	...	2nd Nov., 1864.	
William Campbell ... ..	...	1st Nov., 1862.	
William Henry Fancourt Mitchell	13th Jan., 1862.		
David Elliot Wilkie ... ..	...	1st Nov., 1858.	
EASTERN PROVINCE:			
Robert Stirling Anderson	10th Oct., 1866.		
Henry Morgan Murphy ... ..	...	24th Oct., 1864.	
Robert Turnbull	14th Dec., 1863.		
William Highett	5th Oct., 1860.		
Benjamin Williams	25th Oct., 1858.	

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NOT ORDERED TO BE PRINTED.

1867.

(Second Session.)

- 18th Sept. 1. Public Library Trustees Report.—Return to an Order of the Council.
- 9th Oct. 2. Licences to assign Gold Mining or Mineral Leases, Regulations as to.—Order in Council (16th September, 1867).
- 23rd Oct. 3. Trade and Customs, 1866—Accounts relating to.
- 24th Oct. 4. Mining Surveyors and Registrars.—Reports for Quarter ending 30th September, 1867.
- 29th Oct. 5. Statistics of the Colony of Victoria—
Part VI.—Interchange.
Part VII.—Religious, Moral, and Intellectual Progress.
Part VIII.—Production.
- „ 6. Savings Banks.—Statements and Returns for Year ending 30th June, 1867.
- 5th Nov. 7. Ararat Mining District—Number of Members for each Division of.—Order in Council (21st October, 1867).
- „ 8. Fees for Surveys of Mining Tenements under Bye-laws of Mining Boards of Ararat, Beechworth, Castlemaine, Gipps Land, Maryborough, and Sandhurst Mining Districts.—Order in Council (21st October, 1867).
- „ 9. Melbourne Sewers and Water Supply.—Cash and Balance Sheet for Year ending 31st December, 1866.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 18TH SEPTEMBER, 1867.

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

PROCLAMATION.

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

WHEREAS, by the Constitution Act, it is amongst other things enacted that it shall be lawful for the Governor to fix such places within Victoria and, subject to the limitation therein contained, such times for holding the first and every other Session of the Council and Assembly, and to vary and alter the same respectively in such manner as he may think fit ; and also from time to time to prorogue the said Council and Assembly, and to dissolve the said Assembly, by Proclamation or otherwise, whenever he shall deem it expedient : And whereas the said Council and Assembly, called the Parliament of Victoria, have been and now stand prorogued until Wednesday, the eighteenth day of September instant, and it is expedient to fix a 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 Wednesday, the eighteenth day of September instant, as the time for the commencement and holding of the next Session of the said Council and Assembly, called the Parliament of Victoria, for the despatch of business, at Two o'clock in the afternoon, in the Parliament Houses, situate in Parliament Place, Spring street, in the City of Melbourne ; and the Honorable the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

Given under my hand and the Seal of the Colony, at Melbourne, this sixteenth day of September, in the year of our Lord One thousand eight hundred and sixty-seven and in the thirty-first year of Her Majesty's Reign.

(L.S.)

J. H. T. MANNERS SUTTON.

By His Excellency's Command,

JAMES McCULLOCH,

Chief Secretary.

GOD SAVE THE QUEEN !

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

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

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I regret that, after your protracted labors during the year, it should be necessary to require your attendance thus early in another Session of Parliament.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I have directed that the Estimates for the year shall again be laid before you, and I rely upon your making adequate provision for the requirements of the Public Service, as well as for the further application of the sums granted during the last Session.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The condition of the English money market encourages my advisers to believe that a loan might be obtained on favorable terms for the extension of Railways, and for the completion of the works already undertaken for the supply of water to country districts. Should the state of public affairs render it prudent to ask for a loan for these purposes, a Bill will be introduced to authorise it.

Your joint endeavors to arrive at a satisfactory solution of the questions to be considered by you will, I most earnestly trust, be blessed with success ; and I do not doubt that, following the example of the Mother Country, the Legislature of Victoria will show their hearty appreciation of the free Constitution which the Colony enjoys, and their capacity to administer it for the benefit of the people at large.

J. H. T. MANNERS SUTTON.

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

His Excellency the Governor left the Council Chamber.

The President took the Chair.

The President read the Prayer.

SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council that he had received a copy of the Speech delivered by His Excellency the Governor, and reported the same to the Council.

CONSTITUTION OF LEGISLATIVE COUNCIL.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That leave be given to bring in a Bill to amend the Constitution of the Legislative Council.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable W. F. H. Mitchell, read a first time, ordered to be printed, and read a second time on Wednesday, the 2nd proximo.

PUBLIC LIBRARY TRUSTEES' REPORT.—The Honorable G. W. Cole laid on the Table a Return to an Order of the Council made on the 27th August, 1867.

SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Honorable J. McCrae moved, That a Select Committee be appointed to prepare an Address to His Excellency the Governor in reply to his Speech delivered in Parliament ; such Committee to consist of the Honorables A. Fraser, G. W. Cole, T. T. a'Beckett, W. Degraives, and the mover.

Amendment moved by the Honorable C. Sladen, That all the words after the word " That " be omitted, with the view to insert instead thereof the following words :—" The consideration of His Excellency's Speech be postponed until to-morrow."

Debate ensued.

Amendment by leave withdrawn.

The Honorable J. McCrae, with leave of the Council, amended his motion, and moved, That a Select Committee, consisting of five members, be appointed to prepare an Address to His Excellency the Governor, in reply to his Speech delivered in Parliament.

Debate ensued.

Question—put and passed.

The Honorable J. McCrae moved, That the Committee consist of the following members, viz. :—The Honorables W. Degraives, G. W. Cole, T. T. a'Beckett, A. Fraser, and the mover.

A Ballot having been required by two members, the Council proceeded to the ballot, and the following members being reported by the Clerk to have the greatest number of votes, were declared by the President to be the members of the Committee, viz. :—The Honorables R. S. Anderson, W. H. F. Mitchell, H. M. Murphy, C. Sladen, and the mover.

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

Question—put and passed.

The Council adjourned at five minutes past five o'clock, until four o'clock on Thursday, the 19th instant.

NOTICES OF MOTION AND ORDER OF THE DAY.

THURSDAY, 19TH SEPTEMBER, 1867.

1. The Hon. G. W. COLE : To move, That the practice of Parliament of Great Britain be adopted as to Addresses in reply to the Governor's Speech, as laid down by May, page 203, as follows :—

"When the Royal Speech has been read an Address to it is moved in both Houses. Two members in each House are selected by the Administration for moving and seconding the Address ; and they appear in their places in uniform or full dress, for that

purpose. The Address is an answer paragraph by paragraph to the Queen's Speech. Amendments may be made to any paragraph of the proposed Address in the same form as amendments to other questions; and when the question for an Address, whether amended or not, has been agreed to, a Select Committee is appointed 'to prepare' or 'draw up' an Address. When the Address as drawn up by the Committee is reported, it is brought up and read a first time (short) by direction of the Speaker, and the second time (at length) upon question. Amendments may be proposed to any paragraph, either when the Clerk has read such paragraph, or after the second reading of the whole Address; but no amendment can be proposed to the Address after the question has been put for agreeing with the Committee in the Address. After the Address has been finally agreed to, it is ordered to be presented to Her Majesty."

2. The Hon. J. F. STRACHAN: To move, That there be laid upon the Table of this House a Return showing the amount the Government are empowered to raise by Acts of Parliament for Railways, the amount expended to date, the estimated amount due on existing contracts, if any, and what further extension is proposed to be carried out (with estimated cost of same) under the authorised Loans for Railway purposes, and what liabilities still remain on the Geelong and Ballarat contracts—namely, the amount to the credit of the contractors, and the amount claimed by them and disputed by the Government.
3. The Hon. G. W. COLE: To move, That Tuesday, Wednesday, and Thursday be the days on which the Council shall meet for the despatch of business during the present Session, and that four o'clock be the hour of meeting on each day, and that on each day the transaction of Government business take precedence of all other business.
4. The Hon. G. W. COLE: To move, That the Honorables The President, T. H. Fellows, C. Sladen, J. F. Strachan, and A. Fraser, be appointed a Select Committee on the Standing Orders of the House.
5. The Hon. G. W. COLE: To move, That the Honorables The President, J. Henty, C. Sladen, J. Graham, and J. P. Bear, be members of the Joint Committee of both Houses to manage the Library.
6. The Hon. G. W. COLE: To move, That the Honorables J. P. Fawkner, W. Campbell, C. J. Jenner, J. McCrae, and T. T. a'Beckett, be appointed a Printing Committee, and that Papers presented to the House be referred to the said Committee for report.
7. The Hon. G. W. COLE: To move, That the Honorables W. Highett, N. Fitzgerald, A. Fraser, W. H. Pettett, and J. Sherwin, be members of the Joint Committee of both Houses to manage the Refreshment Rooms and Stables.
8. The Hon. G. W. COLE: To move, That the Honorables The President, W. Degraives, R. S. Anderson, G. W. Cole, and R. Turnbull, be members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

WEDNESDAY, 2ND OCTOBER.

ORDER OF THE DAY:—

1. CONSTITUTION OF COUNCIL BILL—to be read a second time.
-

MEETING
OF
SELECT COMMITTEE.

ADDRESS IN REPLY TO GOVERNOR'S SPEECH—at 3 o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 19TH SEPTEMBER, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

VICTORIA.

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

The Honorable Thomas Turner a'Beckett,
The Honorable John Pinney Bear,
The Honorable Thomas Howard Fellows,
The Honorable Nicholas Fitzgerald,
The Honorable Alexander Fraser,
The Honorable James Graham, and
The Honorable John Sherwin,

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

Given under my hand this nineteenth day of September, 1867.

J. F. PALMER,

President of the Legislative Council.

RAILWAY LOANS AND EXPENDITURE.—The Honorable J. F. Strachan, in accordance with notice, moved, That there be laid upon the Table of this House a Return showing the amount the Government are empowered to raise by Acts of Parliament for Railways, the amount expended to date, the estimated amount due on existing contracts, if any, and what further extension is proposed to be carried out (with estimated cost of same) under the authorised Loans for Railway purposes, and what liabilities still remain on the Geelong and Ballarat contracts—namely, the amount to the credit of the contractors, and the amount claimed by them and disputed by the Government.

Question—put and passed.

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

Question—put and passed.

STANDING ORDERS COMMITTEE.—The Honorable G. W. Cole, in accordance with notice, moved, That the Honorables The President, T. H. Fellows, C. Sladen, J. F. Strachan, and A. Fraser, be appointed a Select Committee on the Standing Orders of the House.

A ballot having been required by two members, the Council proceeded to the ballot, and the following members being reported by the Clerk to have the greatest number of votes, were declared by the President to be the members of the Committee, viz. :—The Honorables The President, R. S. Anderson, T. H. Fellows, W. Highett, and C. Sladen.

LIBRARY (JOINT) COMMITTEE.—The Honorable G. W. Cole, in accordance with notice, moved, That the Honorables The President, J. Henty, C. Sladen, J. Graham, and J. P. Bear, be Members of the Joint Committee of both Houses to manage the Library.

A ballot having been required by two members, the Council proceeded to the ballot, and the following members being reported by the Clerk to have the greatest number of votes, were declared by the President to be the members of the Committee, viz.:—The Honorables The President, J. P. Bear, J. Henty, W. H. F. Mitchell, and C. Sladen.

PRINTING COMMITTEE.—The Honorable W. H. F. Mitchell, with leave of the Council moved, without notice, That the Honorables J. P. Fawkner, W. Campbell, T. T. a'Beckett, C. J. Jenner, and H. M. Murphy, be appointed a Printing Committee, and that Papers presented to the House be referred to the said Committee for report.

Question—put and passed.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That the Honorables N. Fitzgerald, A. Fraser, J. Sherwin, T. Learmonth, and B. Williams, be members of the Joint Committee of both Houses to manage the Refreshment Rooms and Stables.

Question—put and passed.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That the Honorables The President, W. Degraives, S. G. Henty, R. Turnbull, and G. W. Cole, be members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

Question—put and passed.

ADDRESS IN REPLY TO HIS EXCELLENCY'S SPEECH.—The Honorable C. Sladen, as Chairman of the Select Committee appointed to prepare an Address in reply to the Speech of His Excellency the Governor, brought up the Address prepared by the Committee.

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

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

MAY IT PLEASE YOUR EXCELLENCY:—

We, Her Majesty's most dutiful and loyal subjects, the Legislative Council of Victoria, in Parliament assembled, beg leave to assure Your Excellency that we concur with Your Excellency in regretting that it should be necessary so soon after the late protracted Session to require our attendance in another Session of Parliament.

We desire to remind Your Excellency that this necessity has not arisen from any circumstances originating in this House.

As we have already informed Your Excellency, we are, and always have been, desirous to give our assent to the ordinary Bill for appropriating the supplies for the service of the year, if the proposed grant to Lady Darling were omitted.

We regret that there should have been such a miscalculation of the cost of carrying out to completion the works already undertaken for the supply of water to country districts as to render a further loan necessary.

We shall willingly concur in any well-devised measures upon the subject.

The great falling off in the revenue of the public railways—the revival of which, in the absence of any scheme of Immigration, we have no encouragement to expect—does not lead us to think that they can be extended at the present time without a large and undue increase of taxation.

We shall be glad, however, to give our best consideration to any scheme that may be submitted to the Legislature for an extension of the public railways.

We assure Your Excellency that no endeavors shall be wanting on our part to bring to a satisfactory conclusion the questions to be considered by the Legislature; but we can scarcely hope for harmonious action in the Legislature so long as, in deviation from the example of the mother country, the Appropriation Bill for the year continues to be made the instrument of attempts to coerce this House on questions of public policy, which we believe should, in accordance with the Constitution, be submitted in separate Bills.

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

Debate ensued.

Amendment moved by the Honorable J. McCrae, That all the words after the word "Parliament" be omitted, with a view to insert the following words:—

—approach Your Excellency with expressions of our continued loyalty to Her Majesty's throne and person.

We beg to inform Your Excellency that, notwithstanding our protracted labors during the year, we shall be prepared to devote ourselves to the consideration of the measures which require our attendance thus early in another Session of Parliament.

We beg to inform Your Excellency that we share in the belief that the condition of the English money market offers an opportunity for obtaining a loan upon favorable terms for the extension of railways, and for the completion of the works already undertaken for the supply of water to country districts, and that should the state of public affairs render it prudent to ask for a loan, we shall give our best consideration to a Bill to authorise it.

We assure Your Excellency that we most earnestly trust that our endeavors to arrive at a satisfactory solution of the questions to be considered by us will be blessed with success; and we do not doubt that, following the example of the mother country, the Legislature of Victoria will show their hearty appreciation of the free Constitution which the Colony enjoys, and their capacity to administer it for the benefit of the people at large.

Debate ensued.

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

Council divided.

Contents, 14.
The Hon. W. J. T. Clarke
C. Sladen
Dr. Wilkie
W. H. F. Mitchell
R. S. Anderson
H. M. Murphy
W. Highett
J. P. Bear
J. P. Fawkner
A. Fraser
J. Sherwin
B. Williams
R. Turnbull
J. F. Strachan (*Teller*).

Not Contents, 3.
The Hon. G. W. Cole
J. McCrae
T. T. a'Beckett (*Teller*).

The question was therefore passed.

Question—That the Address be adopted as follows:—

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

MAY IT PLEASE YOUR EXCELLENCY:—

We, Her Majesty's most dutiful and loyal subjects, the Legislative Council of Victoria, in Parliament assembled, beg leave to assure Your Excellency that we concur with Your Excellency in regretting that it should be necessary so soon after the late protracted Session to require our attendance in another Session of Parliament.

We desire to remind Your Excellency that this necessity has not arisen from any circumstances originating in this House.

As we have already informed Your Excellency, we are, and always have been, desirous to give our assent to the ordinary Bill for appropriating the supplies for the service of the year, if the proposed grant to Lady Darling were omitted.

We regret that there should have been such a miscalculation of the cost of carrying out to completion the works already undertaken for the supply of water to country districts as to render a further loan necessary.

We shall willingly concur in any well-devised measures upon the subject.

The great falling off in the revenue of the public railways—the revival of which, in the absence of any scheme of Immigration, we have no encouragement to expect—does not lead us to think that they can be extended at the present time without a large and undue increase of taxation.

We shall be glad, however, to give our best consideration to any scheme that may be submitted to the Legislature for an extension of the public railways.

We assure Your Excellency that no endeavors shall be wanting on our part to bring to a satisfactory conclusion the questions to be considered by the Legislature; but we can scarcely hope for harmonious action in the Legislature so long as, in deviation from the example of the mother country, the Appropriation Bill for the year continues to be made the instrument of attempts to coerce this House on questions of public policy, which we believe should, in accordance with the Constitution, be submitted in separate Bills.

—put and passed.

ADDRESS, PRESENTATION OF.—The Honorable C. Sladen 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.

ADJOURNMENT.—The Honorable G. W. Cole moved, That the House, at its rising, adjourn till Wednesday, the 25th instant.

Question—put and passed.

The Council adjourned at five minutes past five o'clock, until four o'clock on Wednesday, 25th instant.

NOTICES OF MOTION AND ORDER OF THE DAY.

WEDNESDAY, 25TH SEPTEMBER, 1867.

1. The Hon. R. S. ANDERSON : To ask the Honorable Member representing the Government, If it is the intention of the Government to issue a lease on behalf of the Hand and Band Company to one Gavan Graham, of ground at Ballarat which has been in the undisturbed possession of and worked by the City of Melbourne Company, registered, for over twelve months ; and if so, whether the opinion of the Law Officers has been taken as to the legality of such lease being issued.
2. The Hon. G. W. COLE : To move, That the practice of Parliament of Great Britain be adopted as to Addresses in reply to the Governor's Speech, as laid down by May, page 203, as follows :—

“When the Royal Speech has been read an Address to it is moved in both Houses. Two members in each House are selected by the Administration for moving and seconding the Address ; and they appear in their places in uniform or full dress, for that purpose. The Address is an answer paragraph by paragraph to the Queen's Speech. Amendments may be made to any paragraph of the proposed Address in the same form as amendments to other questions ; and when the question for an Address, whether amended or not, has been agreed to, a Select Committee is appointed ‘to prepare’ or ‘draw up’ an Address. When the Address as drawn up by the Committee is reported, it is brought up and read a first time (short) by direction of the Speaker, and the second time (at length) upon question. Amendments may be proposed to any paragraph, either when the Clerk has read such paragraph, or after the second reading of the whole Address ; but no amendment can be proposed to the Address after the question has been put for agreeing with the Committee in the Address. After the Address has been finally agreed to, it is ordered to be presented to Her Majesty.”

WEDNESDAY, 2ND OCTOBER.

ORDER OF THE DAY :—

1. CONSTITUTION OF COUNCIL 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, 25TH SEPTEMBER, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

REPLY OF HIS EXCELLENCY THE GOVERNOR TO THE ADDRESS OF THE COUNCIL ON HIS SPEECH OPENING PARLIAMENT.—The President announced to the Council that he had, on the 23rd instant, accompanied by Members of the House, presented to His Excellency the Governor the Address of the Council in reply to His Excellency's Speech, as hereunder set forth:—

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

MAY IT PLEASE YOUR EXCELLENCY:—

We, Her Majesty's most dutiful and loyal subjects, 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 assure Your Excellency that we concur with Your Excellency in regretting that it should be necessary so soon after the late protracted Session to require our attendance in another Session of Parliament.

We desire to remind Your Excellency that this necessity has not arisen from any circumstances originating in this House.

As we have already informed Your Excellency, we are, and always have been, desirous to give our assent to the ordinary Bill for appropriating the supplies for the service of the year, if the proposed grant to Lady Darling were omitted.

We regret that there should have been such a miscalculation of the cost of carrying out to completion the works already undertaken for the supply of water to country districts as to render a further loan necessary.

We shall willingly concur in any well-devised measures upon the subject.

The great falling off in the revenue of the public railways—the revival of which, in the absence of any scheme of Immigration, we have no encouragement to expect—does not lead us to think that they can be extended at the present time without a large and undue increase of taxation.

We shall be glad, however, to give our best consideration to any scheme that may be submitted to the Legislature for an extension of the public railways.

We assure Your Excellency that no endeavors shall be wanting on our part to bring to a satisfactory conclusion the questions to be considered by the Legislature; but we can scarcely hope for harmonious action in the Legislature so long as, in deviation from the example of the mother country, the Appropriation Bill for the year continues to be made the instrument of attempts to coerce this House on questions of public policy, which we believe should, in accordance with the Constitution, be submitted in separate Bills.

And that His Excellency had been pleased to make thereto the following reply:—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

I recognize, and have always recognized, the dutiful loyalty of the Legislative Council, and I receive with satisfaction the assurance that no endeavors will be wanting, on your part, to bring to a satisfactory conclusion the questions to be considered by the Legislature.

J. H. T. MANNERS SUTTON.

Government Offices,
Melbourne, 23rd September, 1867.

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

PROPOSED BANQUET TO HIS ROYAL HIGHNESS THE DUKE OF EDINBURGH.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice—

1. That it is desirable that the two Houses of Parliament should invite His Royal Highness the Duke of Edinburgh to a banquet in the Parliament Buildings.
2. That it be referred to the Refreshment Rooms Committee to make the necessary arrangements for carrying into effect the foregoing resolution.

Debate ensued.

Question—put and passed.

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

Question—put and passed.

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

Question—put and passed.

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

ORDER OF THE DAY.

WEDNESDAY, 2ND OCTOBER, 1867.

ORDER OF THE DAY :—

- I. CONSTITUTION OF COUNCIL 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, 2ND OCTOBER, 1867.

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, a third time, the Warrant appointing the Committee of Elections and Qualifications.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable G. W. Cole presented to the Council a Message from His Excellency the Governor, with Despatches from the Right Honorable the Secretary of State for the Colonies.

J. H. T. MANNERS SUTTON,
Governor.

The Governor transmits to the Legislative Council copies, in the form in which they were presented to the House of Commons, of all the despatches and parts of despatches relating to the non-enactment of the Appropriation Act in Victoria, 1865, and the recall of Sir Charles Darling, which have been, so far as the Governor is aware, laid upon the table of the House of Commons.

The Legislative Council will observe that this correspondence includes copies of, and extracts from, confidential despatches; but these despatches and extracts from despatches have been published by the Secretary of State, and the Governor, therefore, is no longer bound to regard them as confidential.

The Governor also transmits to the Legislative Council copies of all the despatches from the Secretary of State in reply or relating to the Address of the Legislative Assembly to Her Most Gracious Majesty the Queen, agreed to on the 9th May, 1866, and of all despatches containing copies of correspondence between Sir Charles Darling and the Secretary of State in relation to the proposed grant to Lady Darling.

Government Offices,
Melbourne, 2nd October, 1867.

The Message was read.

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

J. H. T. MANNERS SUTTON,
Governor.

The Governor, in accordance with Resolutions of the Legislative Assembly, and having been informed by the Secretary of State that Sir Charles Darling, in concluding a lengthened correspondence on the subject, has elected to relinquish finally the Colonial Service of the Crown, recommends the Legislative Council to concur in a provision for the payment to Lady Darling of the sum in anticipation of receiving which Sir Charles Darling has thus retired from the Colonial Service of Her Majesty.

Government Offices,
Melbourne, October, 1867.

The Message was read.

The Council was adjourned during pleasure.

After lapse of a short time, the President resumed the Chair.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—The Honorable A. Fraser brought up a Progress Report from the Joint Committee of both Houses appointed to manage the Refreshment Rooms.

The Report was read at the table as follows:—

Your Committee, having ascertained that sufficient accommodation cannot be obtained within the Parliament Buildings, have the honor to recommend that the Banquet to His Royal Highness the Duke of Edinburgh be given in the New Exhibition Building.
Committee-room,

2nd October, 1867.

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 agreed to the Resolutions transmitted by the Legislative Council in relation to the Banquet to His Royal Highness the Duke of Edinburgh in the Parliament Buildings.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 25th September, 1867.

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have appointed two members of the Assembly, who are members of the Commission to prepare for the reception of His Royal Highness the Duke of Edinburgh, to assist the Refreshment Rooms Committee in making the necessary arrangements for the Banquet to be given in the Parliament Buildings; and request the Legislative Council will appoint a similar number of members of the Council, who are likewise members of the Reception Commission, to assist in making such arrangements.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 25th September, 1867.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the Honorable the President and the Honorable W. Highett be appointed to assist the Joint Committee of both Houses appointed to manage the Refreshment Rooms in making the necessary arrangements for the banquet to His Royal Highness the Duke of Edinburgh.

Question—put and passed.

The Honorable A. Fraser moved, That a Message be sent to the Legislative Assembly to acquaint them that the Council have appointed the Honorable the President and the Honorable W. Highett to assist the Committee.

Question—put and passed.

The Honorable A. Fraser, with leave of the Council, moved, without notice, That the members of this House who are members of the Committee be empowered to sit on days on which the Council do not sit.

Question—put and passed.

SUBSTITUTION OF MEMBER OF REFRESHMENT ROOMS (JOINT) COMMITTEE.—The Honorable N. Fitzgerald, with leave of the Council, moved, without notice, That the Honorable H. M. Murphy be appointed a member of the Joint Committee of both Houses to manage the Refreshment Rooms and Stables, in room of the Honorable N. Fitzgerald.

Question—put and passed.

REFRESHMENT ROOMS (JOINT) COMMITTEE PROGRESS REPORT.—The Honorable A. Fraser moved, That the Progress Report brought up this day from the Joint Committee of both Houses appointed to manage the Refreshment Rooms be now adopted.

Question—put and passed.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable J. P. Bear moved, That the consideration of the Messages from His Excellency the Governor presented to the House this day be made an Order of the Day for Wednesday next.

Question—put and passed.

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

Question—put and passed.

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

“*Constitution of Council Bill*”—to be read a second time.

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

ORDERS OF THE DAY.

WEDNESDAY, 9TH OCTOBER, 1867.

ORDERS OF THE DAY:—

1. MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.—To be considered.
 2. CONSTITUTION OF COUNCIL BILL.—To be read a second time.
-

MEETING
OF
SELECT COMMITTEE.

Thursday, 3rd October, 1867.

REFRESHMENT ROOMS (JOINT)—at half-past 2 o'clock.

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

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OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 9TH OCTOBER, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable G. W. Cole laid on the Table the following paper:—

Licenses to assign Gold Mining or Mineral Leases, Regulations as to.—Order in Council (16th September, 1867.)

Ordered to lie on the Table.

SUBSTITUTION OF MEMBER OF REFRESHMENT ROOMS (JOINT) COMMITTEE.—The Honorable T. Learmonth, with leave of the Council, moved without notice, That the Honorable R. Turnbull be appointed a member of the Joint Committee of both Houses to manage the Refreshment Rooms and Stables, in room of the Honorable T. Learmonth.

Question—put and passed.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the consideration of the Messages from His Excellency the Governor, presented to the Council on the 2nd instant, being read, the Honorable G. W. Cole moved, That an Address be presented to His Excellency the Governor, informing His Excellency that this House will concur in a provision for the payment to Lady Darling of the sum in anticipation of receiving which Sir Charles Darling has retired from the Colonial Service of Her Majesty.

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

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 a sincere assurance of our loyalty and devotion to Her Majesty's throne and person.

Referring to Your Excellency's Message of the 2nd instant, respecting the proposed grant to Lady Darling, we respectfully submit to Your Excellency, that the custom in compliance with which Her Majesty is advised to recommend to each House, in the first instance, exceptional grants, finds no counterpart in a recommendation to the Legislative Council of an exceptional grant, to which that body has already informed Your Excellency it entertains grave objections.

We would, however, assure Your Excellency that whenever the proposed grant to Lady Darling is brought before this House in such a manner as will not preclude us from giving effect to our opinions upon it, we shall be prepared to give it our earnest and serious consideration.

Debate ensued.

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

Contents, 5.
The Hon. C. J. Jenner
J. Henty
G. W. Cole
J. McCrae
W. H. Pettett (*Teller*);

Not Contents, 20.
The Hon. C. Sladen
W. H. F. Mitchell
R. S. Anderson
Dr. Wilkie
T. Learmonth
H. M. Murphy
N. Black
B. Williams
J. P. Fawkner
N. Fitzgerald
Dr. Hope
R. Turnbull
J. Sherwin
J. F. Strachan
J. P. Bear
W. Highett
A. Fraser
W. Degraes
J. Graham
W. Campbell (*Teller*).

The question was therefore negatived.

The Honorable J. McCrae moved, That, instead of the words proposed by the Honorable W. Highett to be inserted, the following words be inserted :—

To His Excellency the Honorable SIR J. H. T. MANNERS SUTTON, K.C.B.,
Governor of Victoria, &c., &c.

SIR,

We, the Legislative Council of Victoria, in Parliament assembled, desire to acknowledge the receipt of Your Excellency's Message, dated October, 1867.

Your Excellency, in such Message, asks the Legislative Council to concur in a provision for the payment to Lady Darling of the sum in anticipation of receiving which Sir Charles Darling has retired from the Colonial Service of Her Majesty.

The Legislative Council desires to express their regret that such concurrence was not asked for by Your Excellency prior to the introduction of the Appropriation Bill which was rejected by this House on the 20th of August, 1867.

At the same time, the Legislative Council having resolved, as to all subjects of Aid and Supply, that each of the two Houses of the Legislature 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, the Legislative Council in following out the precedent of the House of Lords in Messages of this kind from the Crown, do inform Your Excellency that they do concur in the provision named in Your Excellency's Message in behalf of Lady Darling.

Debate ensued.

Question—That the words proposed by the Honorable W. Highett to be inserted be so inserted—put and passed.

Question—That—

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 a sincere assurance of our loyalty and devotion to Her Majesty's throne and person.

Referring to Your Excellency's Message of the 2nd instant respecting the proposed grant to Lady Darling, we respectfully submit to Your Excellency that the custom in compliance with which Her Majesty is advised to recommend to each House, in the first instance, exceptional grants, finds no counterpart in a recommendation to the Legislative Council of an exceptional grant, to which that body has already informed Your Excellency it entertains grave objections.

We would, however, assure Your Excellency that, whenever the proposed grant to Lady Darling is brought before this House in such a manner as will not preclude us from giving effect to our opinions upon it, we shall be prepared to give it our earnest and serious consideration.

—put and passed.

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

“*Constitution of Council Bill*”—to be read a second time.

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

Question—put and passed.

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

NOTICES OF MOTION AND ORDER OF THE DAY.

WEDNESDAY, 16TH OCTOBER, 1867.

1. The Hon. R. S. ANDERSON : To move, That there be laid upon the Table of this House a Return showing the Money Bills rejected or laid aside by this House since the inauguration of Responsible Government in Victoria, with the reasons (if any) given for the decision arrived at.
2. The Hon. R. S. ANDERSON : To move, For a Return showing all sums voted for the National Museum since its commencement, specifying the object and conditions of each vote under the heads of building, salaries, and contingencies, and including the recent additions to the Public Library for the accommodation of the National Museum. Also, a Statement of the conditions on which the specimens and other property of the National Museum were entrusted to the care of the Melbourne University.

WEDNESDAY, 23RD OCTOBER.

ORDER OF THE DAY:—

1. CONSTITUTION OF COUNCIL BILL.—To be read a second time.

MEETING
OF
SELECT COMMITTEE.

Thursday, 10th October.

REFRESHMENT ROOMS (JOINT)—at 3 o'clock.

Wednesday, 16th October.

PARLIAMENT BUILDINGS (JOINT)—at 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 16TH OCTOBER, 1867.

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 G. W. Cole presented to the Council the following Message from His Excellency the Governor :—

J. H. T. MANNERS SUTTON,
Governor.

The Governor receives with satisfaction the renewed assurance by the Legislative Council of their loyalty and devotion to Her Majesty's Throne and Person.

With reference to the last paragraph of the Address of the Legislative Council, the Governor would observe that the question which is therein brought under his notice is one of Parliamentary discretion ; and while it is his earnest desire to contribute, so far as he can properly contribute, to the removal of existing differences between the two Houses, it is clearly undesirable that he should intervene in such a manner as would withdraw these differences from their proper sphere, and so give to them a character which does not naturally belong to them, of a conflict between the majority of one or other of the two Houses and the Representative of the Crown.

Government Offices,
Melbourne, 16th October, 1867.

The Message was read.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—PROGRESS REPORT.—The Honorable A. Fraser brought up a Progress Report from the Joint Committee of both Houses appointed for the management of the Refreshment Rooms.

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

The Select Joint Committee appointed to manage the Refreshment Rooms have the honor to submit the following Report :—

That a strictly Parliamentary Dinner be given to celebrate the arrival of H.R.H. the Duke of Edinburgh, such dinner to be given in the Legislative Assembly Chamber (which is found capable, by measurement, of accommodating one hundred and thirty-five guests) ; and that the following be invited—

Members of the Legislature (108),
The Governor, his Aide-de-Camp, and Private Secretary (3),
The Duke of Edinburgh and his Staff (7),
The Major-General and Staff (3),
Four Royal Commissioners, not being Members of Parliament (4),
Two Judges, not being Members of the Royal Reception Commission (2),
Officers of Parliament (7).

Committee Room, Parliament Houses,
10th October, 1867.

The Honorable A. Fraser moved, That the consideration of the Report be made an Order of the Day for this day week.

Question—put and passed.

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

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

The Librarian having brought under the notice of the Committee the very large demands for postage stamps made by Members of Parliament, exceeding, in the opinion of the Committee, a limit far beyond that originally contemplated when it was decided to allow stamps to Members requiring them for public purposes in connection with the business of Parliament, the Committee would respectfully suggest that the Houses of Parliament should offer an opinion on the subject for the guidance of the Committee.

The Honorable J. P. Fawkner moved, That the consideration of the Report of the Committee be made an Order of the Day for the next day of meeting.

Question—put and passed.

MONEY BILLS, AND BILLS INCIDENTALLY INVOLVING TAXATION, ETC.—The Honorable R. S. Anderson, in accordance with *amended* notice, moved, That there be laid upon the Table of this House a Return showing the Money Bills rejected or laid aside, or not proceeded with by this House, since the inauguration of responsible government in Victoria, 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.

Question—put and passed.

NATIONAL MUSEUM.—The Honorable R. S. Anderson, in accordance with notice, moved, That there be laid on the Table of this House, a Return showing all sums voted for the National Museum since its commencement, specifying the object and conditions of each vote under the heads of building, salaries, and contingencies, and including the recent additions to the Public Library for the accommodation of the National Museum ; also, a Statement of the conditions on which the specimens and other property of the National Museum were entrusted to the care of the Melbourne University.

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 for the Continuation of an Expiring Law,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 16th October, 1867.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to appropriate the Consolidated Revenue to the service of the year One thousand eight hundred and sixty-seven and for other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speake .

Legislative Assembly Chamber,
Melbourne, 16th October, 1867.

EXPIRING LAW CONTINUATION BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

The Honorable W. H. F. Mitchell moved, That the Honorable Dr. Wilkie be Chairman of the 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 the Committee 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 the Committee had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable G. W. Cole, was read a third time and *passed*.

The Honorable G. W. Cole 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.

APPROPRIATION BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

PETITION.—The Honorable T. Learmonth presented a Petition signed by Joseph Jones and others, styling themselves inhabitants of Ballarat, praying that the Council will reject the Appropriation Bill, or any other Bill containing a vote for the payment of £20,000 to Lady Darling.

The Petition was read at the Table by the Clerk.

Petition received.

APPROPRIATION BILL.—The Honorable G. W. Cole moved, That this Bill be now read a second time.

Amendment moved by the Honorable W. Highett, That all the words after the word "That" be omitted, with a view to insert the following words instead thereof, "the Bill be rejected."

Debate ensued.

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

Contents, 5.
The Hon. G. W. Cole
J. Henty
J. McCrae
C. J. Jenner
W. H. Pettett (*Teller*).

Not Contents, 20.
The Hon. T. H. Fellows
W. H. F. Mitchell
W. Campbell
R. S. Anderson
Dr. Wilkie
H. M. Murphy
T. Learmonth
B. Williams
N. Black
R. C. Hope
R. Turnbull
J. Sherwin
N. Fitzgerald
W. Highett
S. G. Henty
J. Graham
J. P. Bear
J. P. Fawkner
A. Fraser
C. Sladen (*Teller*).

The question was therefore negatived.

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

Question—That the Bill be rejected—put and passed.

The Council adjourned at ten minutes past five o'clock until four o'clock on Thursday, the 17th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 17TH OCTOBER, 1867.

NOTICE OF MOTION :—

1. The Hon. W. H. F. MITCHELL : To move, That the Honorable Dr. Wilkie be appointed Chairman of Committees of the Council.

ORDER OF THE DAY :—

1. REPORT OF LIBRARY (JOINT) COMMITTEE.—To be considered.

WEDNESDAY, 23RD OCTOBER.

ORDERS OF THE DAY :—

1. CONSTITUTION OF COUNCIL BILL.—To be read a second time.
2. REPORT OF REFRESHMENT ROOMS (JOINT) COMMITTEE.—To be considered.

MEETING

OF

SELECT COMMITTEE.

Thursday, 17th October.

REFRESHMENT ROOMS (JOINT) COMMITTEE—at 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

THURSDAY, 17TH OCTOBER, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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 16th instant, as prepared by the Clerk of the House.

The Honorable A. Fraser moved, That the Return be printed.

Question—put and passed.

CHAIRMAN OF COMMITTEES.—The Honorable A. Fraser, in the absence of the Honorable W. H. F. Mitchell, moved, in accordance with notice, That the Honorable Dr. Wilkie be appointed Chairman of Committees of the Council.

Question—put and passed.

The Honorable Dr. Wilkie made his acknowledgments to the House.

LIBRARY (JOINT) COMMITTEE, REPORT OF.—The Order of the Day for the consideration of the Report of the Joint Committee of both Houses of Parliament appointed to manage the Library being read, the Honorable G. W. Cole moved, That the Order of the Day be postponed until this day week.

Debate ensued.

Question—put and passed.

ADJOURNMENT.—The Honorable G. W. Cole, 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 four o'clock until four o'clock on Wednesday, the 23rd instant.

ORDERS OF THE DAY.

WEDNESDAY, 23RD OCTOBER, 1867.

ORDERS OF THE DAY:—

1. CONSTITUTION OF COUNCIL BILL.—To be read a second time.
2. REPORT OF REFRESHMENT ROOMS (JOINT) COMMITTEE.—To be considered.

THURSDAY, 24TH OCTOBER.

1. REPORT OF LIBRARY (JOINT) COMMITTEE.—To be considered.

MEETING

OF

SELECT COMMITTEE.

Thursday, 24th October.

REFRESHMENT ROOMS (JOINT) COMMITTEE—at 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 23RD OCTOBER, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable G. W. Cole laid on the Table the following paper:—

Trade and Customs 1866.—Accounts relating to.

Ordered to lie on the Table.

EXPENSES OF BILLS.—The President informed the Council that the Clerk of the Council had applied for leave to furnish a Return which had been called for on the subject of Bills which, after having been passed by the Legislative Assembly, were not assented to by the Council; and that, if no objection were entertained in the House, the Return would be furnished so far as the Records of the House would permit.

PETITION.—The Honorable J. McCrae presented a Petition, signed by George Anderson and others, styling themselves President, Vice-Presidents, Committeemen, and Subscribers to the North-Eastern Railway League, praying that the House will take into favorable consideration the matter of constructing a Railway to the Ovens and Murray Districts.

Petition received.

CONSTITUTION OF COUNCIL BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable C. Sladen, in the absence of the Honorable W. H. F. Mitchell, moved, That the Order of the Day be discharged.

Question—put and passed.

REFRESHMENT ROOMS (JOINT) COMMITTEE REPORT.—The Order of the Day for the consideration of the Report from the Joint Committee of both Houses of Parliament appointed to manage the Refreshment Rooms, as brought up on the 16th instant, being read, the Honorable A. Fraser moved, That the Order of the Day be postponed until the next day of meeting.

Amendment moved by the Honorable J. P. Fawkner, That all the words after the word "be" be omitted, with a view to insert the word "discharged" instead thereof.

Debate ensued.

Amendment by leave withdrawn.

Question—That the Order of the Day be postponed until the next day of meeting—put and passed.

ADJOURNMENT.—The Honorable G. W. Cole moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

The Council adjourned at ten minutes to five o'clock until four o'clock on Thursday, the 24th instant.

ORDERS OF THE DAY.

THURSDAY, 24TH OCTOBER, 1867.

ORDERS OF THE DAY:—

1. REPORT OF LIBRARY (JOINT) COMMITTEE.—To be considered.
 2. REPORT OF REFRESHMENT ROOMS (JOINT) COMMITTEE.—To be considered.
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MEETING
OF
SELECT COMMITTEE.

Thursday, 24th October.

REFRESHMENT ROOMS (JOINT) COMMITTEE—at 3 o'clock.

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

VICTORIA.

No. 9.

SECOND SESSION.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 24TH OCTOBER, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

Mining Surveyors and Registrars.—Reports, for Quarter ending 30th September, 1867.
Ordered to lie on the Table.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—REPORT.—The Honorable A. Fraser brought up a Report from the Joint Committee of both Houses appointed to manage the Refreshment Rooms.

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

The Select Committee appointed to manage the Refreshment Rooms have the honor to report, That it is inexpedient, under all the circumstances, to proceed further in the matter of the Parliamentary Banquet to His Royal Highness the Duke of Edinburgh.
Committee Room,
24th October, 1867.

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

Question—put and passed.

LIBRARY COMMITTEE (JOINT) REPORT.—The Order of the Day for the consideration of the Report, brought up on the 16th October from the Joint Committee of both Houses appointed to manage the Library, being read, the Honorable W. H. F. Mitchell moved, That the Report 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 House having gone out of Committee without ordering any report to be made therefrom, the President resumed the Chair.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—REPORT.—The Order of the Day for the consideration of the Report brought up on the 16th October from the Joint Committee of both Houses appointed to manage the Refreshment Rooms being called on, the Honorable A. Fraser moved, That the Order of the Day be discharged.

Question—put and passed.

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

NOTICE OF MOTION.

TUESDAY, 29TH OCTOBER, 1867.

NOTICE OF MOTION:—

1. The Hon. J. P. BEAR: To move, That, with a view to the settlement of the points in dispute between the two Houses, with reference to the grant of £20,000 to Lady Darling, and on the ground of a compromise, this House, while again recording its conviction of the highly dangerous principle involved in such a grant, is nevertheless of opinion that if a separate Bill, in an unobjectionable form, providing for the payment of the amount, were sent up by the Assembly, it would receive the assent of this House.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 29TH OCTOBER, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Statistics of the Colony of Victoria:

Part VI.—Interchange.

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

Part VIII.—Production.

2. Savings Banks.—Statements and Returns for year ending 30th June, 1867.

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

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 29th October, 1867.

CONSOLIDATED REVENUE BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time, and printed.

Question—put and passed.

Bill read a first time.

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

Amendment moved by the Honorable W. Highett, That the word "to-morrow" be omitted, and the words "Tuesday next" inserted instead thereof.

Debate ensued.

The Honorable G. W. Cole, with leave of the Council, amended the original motion by substituting the words "Thursday next" for the word "to-morrow."

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

Council divided.

Contents, 13.
The Hon. G. W. Cole
T. T. a'Beckett
W. H. Pettett
S. G. Henty
W. Campbell
N. Black
J. McCrae
C. J. Jenner
A. Fraser
Dr. Wilkie
N. Fitzgerald
T. Learmonth
J. Henty (*Teller*).

Not Contents, 14.
The Hon. W. H. F. Mitchell
W. J. T. Clarke
R. S. Anderson
H. M. Murphy
J. P. Bear
W. Degraives
R. Turnbull
J. Sherwin
W. Highett
B. Williams
J. P. Fawcner
J. Graham
J. F. Strachan
C. Sladen (*Teller*).

The question was therefore negatived.

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

Question—That the second reading of the Bill be made an Order of the Day for Tuesday next—put and passed.

ADJOURNMENT.—The Honorable G. W. Cole, 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 four o'clock on Tuesday, the 5th proximo.

NOTICES OF MOTION AND ORDER OF THE DAY.

TUESDAY, 5TH NOVEMBER, 1867.

NOTICES OF MOTION :—

1. The Hon. W. HIGGETT : To move the following Address to Her Majesty the Queen :—
 1. We, Your Majesty's dutiful and loyal subjects, the Legislative Council of Victoria in Parliament assembled, humbly beg to approach Your Majesty with expressions of our attachment to Your Majesty's throne and person, and of our desire that Your Majesty's constitutional authority in this colony may be upheld.
 2. We beg most humbly to call to Your Majesty's recollection that in May, 1866, the Legislative Assembly of this Colony presented an Address to Your Majesty, stating that a grant of £20,000 to Lady Darling had been recommended by a Committee of that House, and praying Your Majesty to be graciously pleased to sanction it.
 3. By a despatch of the 8th December, 1866, Your Majesty's then Principal Secretary of State for the Colonies informed the Governor of this colony that the Address had been laid before Your Majesty, but that he was unable to advise Your Majesty to accede to the request which it conveyed; and also stated that the rule that a Governor should not receive pecuniary or valuable presents from the inhabitants of the colony over which he presided, either during the continuance of his office or on leaving it, was expressly laid down in the Colonial Regulations, and for obvious reasons had always been enforced, and that it was, under these circumstances, impossible that Your Majesty should be advised to sanction the literal or substantial violation of that rule by any of Your Majesty's servants.
 4. By a letter of the 17th April, 1867, addressed to Your Majesty's present Secretary of State for the Colonies, Sir Charles Darling informed his Grace the Duke of Buckingham that he had finally relinquished the colonial service.
 5. By a despatch of the 10th May, 1867, his Grace the Duke of Buckingham transmitted to the Governor a copy of Sir Charles Darling's letter, without any comment or observation.
 6. After the receipt of that despatch a sum of £20,000 for Lady Darling was included in the usual Appropriation Bill, and we rejected that Bill, not only because we considered that the grant was improperly mixed with the general supplies for the service of the year, but also because we were of opinion that it was unconstitutional for a Colony of the Empire to reward an Imperial officer whom Your Majesty has seen fit to relieve from the duties of his office, and that to do so would have a tendency to produce corrupt practices in every department of the State.
 7. Conscious of the advantage which accrues to Your Majesty's Australian Colonies from their connection with the British Empire, and believing that a Colonial Legislature has no more right to act in contravention of Imperial regulations, than it has power to legislate in opposition to Imperial laws, we are unwilling to concur in any measure which would lead to a "literal or substantial violation by any of Your Majesty's servants" of the rule to which we have referred.
 8. We humbly submit for Your Majesty's consideration that, although Sir Charles Darling has retired from the Imperial service, the proposed grant to Lady Darling is not a matter of domestic policy with which the Legislature of this Colony should deal, until Your Majesty shall have sanctioned such a departure from the Colonial Regulations.

We therefore humbly pray that Your Majesty will be graciously pleased to signify your Royal will and pleasure in the premises.
2. The Hon. J. P. BEAR : To move, That, with a view to the settlement of the points in dispute between the two Houses, with reference to the grant of £20,000 to Lady Darling, and on the ground of a compromise, this House, while again recording its conviction of the highly dangerous principle involved in such a grant, is nevertheless of opinion that if a separate Bill, in an unobjectionable form, providing for the payment of the amount, were sent up by the Assembly, it would receive the assent of this House.

ORDER OF THE DAY :—

1. CONSOLIDATED REVENUE 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, 5TH NOVEMBER, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Ararat Mining District—Number of Members for each Division of.—Order in Council (21st October, 1867).
2. Fees for Surveys of Mining Tenements under Bye-laws of Mining Boards of Ararat, Beechworth, Castlemaine, Gipps Land, Maryborough, and Sandhurst Mining Districts.—Order in Council (21st October, 1867).
3. Melbourne Sewers and Water Supply.—Cash and Balance Sheet for year ending 31st December, 1866.

Ordered severally to lie on the Table.

ADDRESS TO HER MAJESTY THE QUEEN.—The Honorable W. Highett, in accordance with notice, moved, That the Council do adopt the following Address to Her Majesty the Queen :—

1. We, Your Majesty's dutiful and loyal subjects, the Legislative Council of Victoria in Parliament assembled, humbly beg to approach Your Majesty with expressions of our attachment to Your Majesty's throne and person, and of our desire that Your Majesty's constitutional authority in this Colony may be upheld.

2. We beg most humbly to call to Your Majesty's recollection that in May, 1866, the Legislative Assembly of this Colony presented an Address to Your Majesty, stating that a grant of £20,000 to Lady Darling had been recommended by a Committee of that House, and praying Your Majesty to be graciously pleased to sanction it.

3. By a despatch of the 8th December, 1866, Your Majesty's then Principal Secretary of State for the Colonies informed the Governor of this Colony that the Address had been laid before Your Majesty, but that he was unable to advise Your Majesty to accede to the request which it conveyed; and also stated that the rule that a Governor should not receive pecuniary or valuable presents from the inhabitants of the colony over which he presided, either during the continuance of his office or on leaving it, was expressly laid down in the Colonial Regulations, and for obvious reasons had always been enforced, and that it was, under these circumstances, impossible that Your Majesty should be advised to sanction the literal or substantial violation of that rule by any of Your Majesty's servants.

4. By a letter of the 17th April, 1867, addressed to Your Majesty's present Secretary of State for the Colonies, Sir Charles Darling informed his Grace the Duke of Buckingham that he had finally relinquished the colonial service.

5. By a despatch of the 10th May, 1867, his Grace the Duke of Buckingham transmitted to the Governor a copy of Sir Charles Darling's letter, without any comment or observation.

6. After the receipt of that despatch a sum of £20,000 for Lady Darling was included in the usual Appropriation Bill, and we rejected that Bill, not only because we considered that the grant was improperly mixed with the general supplies for the service of the year, but also because we were of opinion that it was unconstitutional for a Colony of the Empire to reward an Imperial officer whom Your Majesty has seen fit to relieve from the duties of his office, and that to do so would have a tendency to produce corrupt practices in every department of the State.

7. Conscious of the advantage which accrues to Your Majesty's Australian Colonies from their connection with the British Empire, and believing that a Colonial Legislature has no more right to act in contravention of Imperial regulations, than it has power to legislate in opposition to Imperial laws, we are unwilling to concur in any measure which would lead to a "literal or substantial violation by any of Your Majesty's servants" of the rule to which we have referred.

8. We humbly submit for Your Majesty's consideration that, although Sir Charles Darling has retired from the Imperial service, the proposed grant to Lady Darling is not a matter of domestic policy with which the Legislature of this Colony should deal, until Your Majesty shall have sanctioned such a departure from the Colonial Regulations.

We therefore humbly pray that Your Majesty will be graciously pleased to signify Your Royal will and pleasure in the premises.

Debate ensued.

Question—put and passed.

CONSOLIDATED REVENUE BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable G. W. Cole moved, That the Bill be now read a second time.

Amendment, moved by the Honorable W. Highett, That all the words after the word "That" be omitted, with a view to insert the following words instead thereof, "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."

Debate ensued.

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

Council divided.

Contents, 8.

The Hon. G. W. Cole
G. W. Pettett
C. J. Jenner
J. Henty
J. McCrae
A. Fraser
W. Degraives
T. T. a'Beckett (*Teller*).

Not Contents, 20.

The Hon. T. H. Fellows
C. Sladen
W. J. T. Clarke
R. S. Anderson
T. Learmonth
H. M. Murphy
B. Williams
Dr. Wilkie
N. Fitzgerald
Dr. Hope
J. Sherwin
W. Highett
J. F. Strachan
J. P. Bear
J. P. Fawkner
W. Campbell
R. Turnbull
J. Graham
S. G. Henty
W. H. F. Mitchell (*Teller*).

The question was therefore negatived.

The Honorable A. Fraser moved, That instead of the words proposed by the Honorable W. Highett to be inserted, the following words be inserted:—"Seven members of this House be appointed to meet and confer with a like number of members of the Legislative Assembly, to take into consideration the differences now existing between the two branches of the Legislature with reference to the Bill of Supply now before the House."

Question—That the words proposed by the Honorable W. Highett to be inserted be so inserted—put.

Council divided.

Contents, 19.

The Hon. T. H. Fellows
T. Learmonth
C. Sladen
W. J. T. Clarke
Dr. Wilkie
R. S. Anderson
H. M. Murphy
W. H. F. Mitchell
B. Williams
Dr. Hope
S. G. Henty
W. Highett
J. Sherwin
R. Turnbull
W. Campbell
N. Fitzgerald
J. Graham
J. P. Fawkner
J. F. Strachan (*Teller*).

Not Contents, 9.

The Hon. C. J. Jenner
J. McCrae
T. T. a'Beckett
J. Henty
G. W. Cole
A. Fraser
J. P. Bear
W. Degraives
W. H. Pettett (*Teller*).

The question was therefore passed.

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.

The Council adjourned at a quarter to eight o'clock until four o'clock on Wednesday, the 6th instant.

NOTICE OF MOTION.

WEDNESDAY, 6TH NOVEMBER, 1867.

NOTICE OF MOTION :—

1. The Hon. H. M. MURPHY: To move, That there be laid upon the Table of this House a return of the actions which have been brought against the Crown during the present year, under the Crown Remedies and Liabilities Statute, and which have been terminated by default or by confession of judgment on the part of the Crown; such return to state the names of the suitors, the nature of the claim, the amounts recovered, and the costs in each case; distinguishing contracts under authority of Parliament or otherwise, and the cases in which judgments have been obtained by confession or by default.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 12.

SECOND SESSION.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 6TH NOVEMBER, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

CROWN REMEDIES AND LIABILITIES STATUTE ACTIONS.—The Honorable H. M. Murphy, in accordance with notice, moved, That there be laid upon the table of this House a Return of the actions which have been brought against the Crown during the present year, under the Crown Remedies and Liabilities Statute, and which have been terminated by default or by confession of judgment on the part of the Crown; such return to state the names of the suitors, the nature of the claim, the amounts recovered, and the costs in each case; distinguishing contracts under authority of Parliament or otherwise, and the cases in which judgments have been obtained by confession or by default.

Debate ensued.

Question—put and passed.

The Council adjourned at twenty-five minutes to five o'clock until four o'clock on Thursday, the 7th instant.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 7TH NOVEMBER, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADJOURNMENT.—The Honorable G. W. Cole, with leave of the Council, moved, without notice,
That the House do now adjourn until four o'clock to-morrow.

Question—put and passed.

The Council adjourned at twenty minutes past four o'clock until four o'clock on Friday, the
8th instant.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 8TH NOVEMBER, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADDRESS TO HER MOST GRACIOUS MAJESTY THE QUEEN.—The President announced to the Council that he had received a letter from the Private Secretary informing him that His Excellency the Governor will transmit by the next mail to the Secretary of State, for presentation to Her Majesty, the Address to Her Majesty agreed to by the Legislative Council on the 5th instant.

ROYAL ASSENT TO A BILL AND PROROGATION.—The President announced to the Council that he had received a communication from the Private Secretary informing him that it is the intention of His Excellency the Governor to proceed to the Legislative Council Chamber this day, at five o'clock, for the purpose of giving the Royal Assent to a Bill, and of proroguing Parliament.

CORRESPONDENCE BETWEEN HIS EXCELLENCY THE GOVERNOR AND HIS ADVISERS.—The Honorable G. W. Cole, by command of His Excellency the Governor, presented to the Council copies of Correspondence between His Excellency the Governor and his Advisers on the subject of the rejection of the Consolidated Revenue Bill of the present session.

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

Minute for His Excellency the Governor.

The Chief Secretary informs His Excellency the Governor that the Supply Bill passed by the Legislative Assembly has been rejected by the Legislative Council.

No Parliamentary supplies are therefore now at the disposal of the Government, and they are unable to meet the current public expenditure.

This condition of affairs, and the causes which have produced it, have confirmed the opinion of His Excellency's advisers, that under existing circumstances the differences between the Houses could not be solved by prolonging the Session, and without such a solution Parliamentary supplies are unobtainable.

His Excellency's advisers do not underrate the gravity of the crisis or the detriment to the public interest which must necessarily ensue before the decision of the people can be obtained.

But while in the meantime they would not regard it as justifiable to cause unnecessary delay or additional expense by the endeavor to resist just claims which may be legally recoverable, they will feel it to be their duty carefully to abstain from any step which, although it might mitigate inconvenience and pressure for the moment, might tend to substitute in financial affairs, Executive for Parliamentary authority.

The Chief Secretary now advises His Excellency that Parliament be prorogued immediately, with a view to a dissolution.

(Signed) JAMES McCULLOCH.

The Governor has received the memorandum of yesterday's date submitted to him by the Chief Secretary, in which he recommends, for the reasons therein stated, an immediate prorogation.

The Governor would remind his advisers that in his memorandum of the 29th August, he stated to them that, if he had been able to arrive at the conclusion, or even to entertain the expectation, that the formation of a new administration would remove or mitigate existing embarrassments, and promote harmonious action between the two

deliberative chambers of the Legislature, he would have regarded it as his duty to communicate this opinion to his advisers, with an announcement of his desire to call others to the Council Board. And the Chief Secretary and his colleagues are, the Governor knows, aware that he retains the opinions expressed in that memorandum, and that he has always been prepared to act upon them.

But a very anxious and careful consideration of all the materials within the Governor's reach for arriving at a conclusion on this question has led him now, as it led him in August last, to believe that a change of Government would not produce, or even tend to produce, the desired effect. On the contrary, the recorded opinions and proceedings of the two Houses point to a directly opposite conclusion.

It may of course be alleged, and the Governor is aware that it has been contended, that the experiment, at least, should be made. But the displacement of ministers, supported continuously by a majority of the Lower House, is a step which could not properly be taken by the Governor without a fair prospect, at least, of that success, by which alone, as is admitted by all constitutional authorities, such an exceptional exercise of the prerogative can alone be justified.

It has been therefore the duty of the Governor, throughout the parliamentary contests which have for some months impeded, and have now stopped, financial legislation, to confine his endeavours to restore united action in the Legislature within the limits prescribed by neutrality on the points at issue between the two Houses, and by the constitutional right of an existing Government to the fair support of the Governor, and the failure of these endeavours and the respective positions of the adverse majorities in the two Houses preclude the Governor from questioning the correctness of the opinion entertained and expressed by his advisers, that, under existing circumstances, the differences which render Parliamentary supplies unobtainable by the Government could not be solved by prolonging the Session.

The next question discussed in the memorandum of the Chief Secretary, is the course of action to be pursued by the Government in the absence, temporary, of Parliamentary supplies. Now, as regards existing claims against the Government, and the position of the claimants on the one hand, and of the Government on the other, in connexion with the Crown Remedies Act, the Governor has little, if anything, to add to the opinions expressed in his memorandum of the 21st August.

In that memorandum the Governor pointed out that this Act might be rendered available for withdrawing the public funds from the control of Parliament, and placing them at the disposal of the Governor, or to use the words of his advisers, for "substituting in financial affairs Executive for Parliamentary authority."

The Governor entirely concurs with his advisers in condemning any such course of action as unconstitutional; and, while he agrees with his advisers in the opinion that it would not be proper or consistent with the constitutional relations existing between the Government and the Legislature that the Government should afford to plaintiffs in actions against the Crown facilities for obtaining judgments, and thereby the satisfaction of claims, for which Parliamentary provision has not been made, he no less completely recognizes the fact that, when an action is brought against the Crown, the first questions to be considered by the Government are the equity and legality of the claim, and that, if these questions should be clearly decided in the affirmative, and if no defence valid in law could be pleaded on the part of the Crown to the action, it would be derogatory to the Crown, and unjust to the plaintiff, if the Government should actively resist the claim for the purpose of causing expense or interposing delay, and the Governor is of opinion that, in dealing with claims of this character (that is, claims just in themselves and clearly recoverable by process of law), no wiser course could be adopted than that which has been pursued, namely, of allowing judgments to go by default. For by this course no injury is inflicted on a *bonâ fide* creditor of the Crown, exercising rights to which the law entitles him, while the Government maintains, throughout the proceedings, the character and position of a defendant.

The Governor has not, in discussing this question, overlooked the fact that he might refuse to sign a warrant for the amount of a judgment obtained against the Crown under the Crown Remedies Act, and that it is very doubtful whether he could be compelled by process of law to sign it; but such a proceeding, on the part of the Governor, would not, in his opinion, be a legitimate mode of protecting the constitutional rights of the Legislature; and it would be less legitimate now than at any former time, because the scope and operation of the Crown Remedies Act are, and have been for some time, perfectly well known to the Legislature, and it remains unaltered on the Statute Book; and although the Governor may entertain, personally, grave doubts whether the public benefits derived from that Act are not more than counterbalanced by attendant evils, the proper remedy for those evils is, in his opinion, to be found, not in the refusal of the Governor to bow to the decision of a Court of Law, but in Legislation.

On the other hand, it is clearly the duty of a constitutional government to look to Parliamentary supplies, whether annual or fixed, and to Parliamentary supplies alone for meeting the liabilities of the Government. And it would be difficult to prove, by abstract reasoning, that the legitimate consequence in a constitutional point of view, of the refusal of Parliamentary supplies, is not the discontinuance of every service to the maintenance of which those supplies would, if available by the Government, have been applied.

Such a conclusion would, under existing circumstances, involve the disbandment of the Police, the cessation of discipline and inspection in the Prisons, and Lunatic Asylums, the discontinuance of the Postal and Railway services, and the complete disorganization of every branch of the public service, excepting those for which provision is made by special Appropriation Acts.

But the Governor concurs with his advisers in the opinion that the fact that Parliamentary supplies for the services of the year have been temporarily withheld from the Government does not impose on the Government, as an imperative duty, active and immediate interference to stop those services which are indispensably necessary for the protection of life and property, and the suspension—even temporary—of which would inflict severe and permanent injury on the public at large. And the Governor believes, in common with his advisers, that the Government may, in full reliance that Parliament will approve this course and provide the necessary funds, incur those liabilities which are indispensably necessary for the protection of life and property, and to prevent confusion.

But he relies on their not incurring any liabilities of a less urgent character.

The Governor, with these remarks, informs the Chief Secretary that he accepts the recommendation of his advisers, that the Legislature should be immediately prorogued, with a view to a dissolution.

J. H. T. MANNERS SUTTON.

Toorak, November 8th, 1867.

Minute for His Excellency the Governor.

Mr. McCulloch has the honor to acknowledge the receipt of His Excellency's Minute dated to-day.

The members of the Government concur in the opinion expressed by His Excellency as to the constitutional relations between the Executive Government and the Legislature in financial affairs, and they trust that the result of the general election may render it unnecessary to tender advice which while it might seem to be inconsistent with a strict observance of that relation, might in the opinion of His Excellency's advisers be nevertheless necessary.

(Signed) JAMES McCULLOCH.

Melbourne, 8th November, 1867.

The Honorable J. P. Fawkner moved, That the correspondence be printed in the Proceedings.

Question—put and passed.

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

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

“An Act for the continuation of an Expiring Law.”

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

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

“J. H. T. MANNERS SUTTON,

“Governor.”

The Clerk of the Parliaments delivered to Mr. Speaker a schedule of the Act 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 regret to learn that the continued differences between the two Houses have deprived the Government of Parliamentary supplies for the services of the year. I am advised that a prolongation of the Session would not lead to a solution of these differences. I, therefore, in Her Majesty's name, declare this Parliament to be prorogued to Tuesday, the 26th day of November instant, and it is hereby prorogued accordingly.

J. H. T. MANNERS SUTTON,

Governor.

Melbourne, 8th November, 1867.

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

Mr. Speaker and the Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

SELECT COMMITTEES

APPOINTED DURING THE SECOND SESSION OF 1867

No. 1.—SPEECH OF HIS EXCELLENCY THE GOVERNOR.

Appointed (by ballot) 18th September, 1867.

The Hon. R. S. Anderson	The Hon. C. Sladen
W. H. F. Mitchell	J. McCrae (<i>Mover</i>).
H. M. Murphy	

No. 2.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 19th September, 1867.

The Hon. Thomas Turner a'Beckett	The Hon. Alexander Fraser
John Pinney Bear	James Graham
Thomas Howard Fellows	John Sherwin.
Nicholas Fitzgerald	

No. 3.—STANDING ORDERS.

Appointed (by ballot) 19th September, 1867.

The Hon. The President	The Hon. W. Highett
R. S. Anderson	C. Sladen.
T. H. Fellows	

No. 4.—LIBRARY (JOINT).

Appointed (by ballot) 19th September, 1867.

The Hon. The President	The Hon. W. H. F. Mitchell
J. P. Bear	C. Sladen.
J. Henty	

No. 5.—PRINTING.

Appointed 19th September, 1867.

The Hon. J. P. Fawkner	The Hon. C. J. Jenner
W. Campbell	H. M. Murphy.
T. T. a'Beckett	

No. 6.—REFRESHMENT ROOMS (JOINT).

Appointed 19th September, 1867.

The Hon. N. Fitzgerald	The Hon. B. Williams
A. Fraser	H. M. Murphy*
J. Sherwin	R. Turnbull. †
T. Learmonth	

* Appointed (2nd October, 1867) in room of the Hon. N. Fitzgerald.

† Appointed (9th October, 1867) in room of the Hon. T. Learmonth.

No. 7.—PARLIAMENT BUILDINGS (JOINT).

Appointed 19th September, 1867.

The Hon. The President	The Hon. R. Turnbull
W. Degraives	G. W. Cole.
S. G. Henty	

1867.

[SECOND SESSION.]

VICTORIA.

MONEY BILLS

AND

BILLS INCIDENTALLY INVOLVING TAXATION, ETC.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE R. S. ANDERSON.—16TH OCTOBER, 1867.

LAI'D ON THE COUNCIL TABLE 17TH OCTOBER, 1867, AND ORDERED BY THE COUNCIL TO BE PRINTED, 17TH OCTOBER, 1867.

RETURN showing the Money Bills rejected or laid aside, or not proceeded with by this House, since the inauguration of Responsible Government in Victoria, 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.

RETURN showing the Money Bills rejected, or laid aside, or not proceeded with by the Legislative Council, since the inauguration of Responsible Government in Victoria, with the reasons (if any) given for the decision arrived at.

Short Title of Bill.	How disposed of.	Reasons for the decision arrived at, as recorded in the Proceedings of the Council.	When.
*State Aid to Religion Bill	Second reading negatived	... ..	29th Sept., 1857.
Roads Districts Assessment Bill	Second reading negatived	... ..	2nd June, 1858.
*State Aid to Religion Bill	Second reading not passed	... ..	22nd March, 1860.
*Governor's Salary Reduction Bill	To be read a second time this day six months	... ..	19th March, 1861.
*State Aid to Religion Bill	Second reading negatived	... ..	4th June, 1861.
Payment of Members Bill	Discharged from paper...	... ..	26th June, 1861.
Bank Notes Bill	Second reading negatived	... ..	1st May, 1862.
Payment of Members Bill	First reading negatived	... ..	16th May, 1865.
Customs Import Duties, Gold Export Duty Act Amendment, Appropriation Bill	Laid aside	Question—That, as by the thirty-fourth section of the Constitution Act, the rules, forms, and usages of the Imperial Parliament are required to be followed, so far as the same may be applicable to the proceedings of the Legislative Council and Legislative Assembly respectively, until altered by some standing rule or order to be adopted by both the said Council and Assembly; and as it is contrary to those rules, forms, and usages, which have not been so altered, that any clause of Appropriation should be introduced into a Bill of Supply; and as this Bill of Supply contains a clause appropriating the supplies granted during the present Session of Parliament to the service of the years 1864 and 1865, and moreover regulates the disposal of minerals in the Waste Lands of the Crown (over which this House claims to exercise equal power with the Legislative Assembly), and therefore encroaches upon the just privileges of this House, the subject-matters of this Bill be not considered until they are dealt with in separate measures, and that this Bill be laid aside—put and passed.	25th June, 1865.
Customs Import Duties, Gold Export Duty Bill	Second reading rejected	... ..	16th Nov., 1865.

RETURN—continued.

Short Title of Bill.	How disposed of.	Reasons for the decision arrived at, as recorded in the Proceedings of the Council.	When.
Customs Import Duties, Gold Export Duty Bill	Second reading rejected	Question—That, as this Bill purports to repeal all existing laws relative to duties of Customs, and to enact merely temporary provisions in their stead, and thus imperils the Civil List granted to Her Majesty by the Constitution Act; and moreover deals with the Gold Duty, which, though collected at the Custom House, is substantially a part of the territorial and hereditary revenue of the Crown, and foreign to a Bill of Aid or Supply, and has always been separated therefrom in legislation; and as the preamble of the Bill is without precedent in this Colony, and implies that the constitutional disability of this House to originate or alter Bills for imposing a duty or return is not the only difference between the powers of the two Houses in regard to such Bills, the said Bill be rejected—put and passed.	13th March, 1866.
Customs Import Duties, Gold Export Duty Bill	Discharged from Paper, and new Bill in different shape passed subsequently	... ..	17th April, 1866.
Appropriation Bill ...	Second reading rejected	Question—That, as by the thirty-fourth section of the Constitution Act the usages of the Imperial Parliament of Great Britain and Ireland must be followed, so far as the same are applicable to the proceedings of the Legislative Council and Legislative Assembly respectively, until altered by some standing rule or order adopted both by the said Council and Assembly, and as it is contrary to those usages, which have not been so altered, that the grant of Twenty Thousand Pounds for the separate use of Lady Darling should, under existing circumstances, be mixed with the general supply for the services of the year; and as the grant itself is unconstitutional and highly mischievous, and calculated moreover to produce corrupt practices in every department of the State, this Bill be rejected—put and passed.	20th August, 1867.
Payment of Members Bill	Second reading negatived	... ..	4th Sept., 1867.
Appropriation Bill ...	Second reading rejected	... ..	16th October, 1867.

1. Bills marked thus * are 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 they can become law.

2. Land Bills and Bills relating to Gold Licences 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 from November, 1856, to October, 1867.

Short Title of Bill.	[Amended by Legislative Council and] passed,	Amendments agreed to or not agreed to by Legislative Assembly.	When consideration of Council amendments by Legislative Assembly communicated to Council.
Duty on Spirits Bill	14th December, 1858	Agreed to	15th December, 1858.
Appropriation Bill	23rd February, 1859	Ordered—That the Bill be carried to the Legislative Assembly, with a message to acquaint them that the Council have agreed to the Bill with two amendments, one of which is a correction of an error in the title of an Act, and the other of which is intended to further the meaning of the Legislative Assembly in distributing the grant for Education, as expressed in the note directing the mode of its distribution, and to request their concurrence with the same 24th February. Amendments not insisted on by Council	24th February, 1859, acquainting the Legislative Council that the Constitution Act having prohibited the Legislative Council from making any alteration in the Appropriation Bill, this House refuses to entertain the amendments, and insists upon the Bill in its integrity, and respectfully requests the Council to reconsider their proceedings on this Bill.
*Pensions Bill ...	22nd March, 1860 ...	Agreed to	28th June, 1860.
*Governor's Salary Reduction Bill	6th August, 1863 ...	Agreed to	18th August, 1863.
Pensions Bill ...	20th May, 1864 ...	Some agreed to	31st May, 1864.

Bills marked thus * are required by the Constitution to be passed with the concurrence of an absolute majority of the whole number of the Members of the Council.

RETURN—continued.

Short Title of Bill.	[Amended by Legislative Council and] passed,	Amendments agreed to or not agreed to by Legislative Assembly.	When consideration of Council amendments by Legislative Assembly communicated to Council.
Customs Duties Bill	22nd May, 1867 ...	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; and further acquainting the Legislative Assembly that—The Legislative Council have amended, instead of laying aside, the Bill, in deference to what they believe to have been the understanding arrived at by the Committees of the two Houses by whom the subject of Bills of Aid or Supply was considered; but, that their doing so may not be urged as a precedent on future occasions, they desire to record their opinion that amendments in a Bill for granting duties are not in accordance with the practice of either Lords or Commons, or warranted by the Constitution Act. The Legislative Council conceive that their legitimate course would have been to lay aside the Bill, on the ground that its contents are foreign to a Bill for granting duties, and are not such as Imperial usage justifies; but, under the particular circumstances of the present case, they have abstained from pursuing that course, for the reason already mentioned. Question—put and passed.	The Bill was not returned by the Legislative Assembly; but a new Bill, with the same title and different contents, was sent to the Council, and was there passed without amendment.

RETURN of Bills incidentally involving Taxation, amended or not proceeded with by the Legislative Council, from November, 1856, to October, 1867.

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 Assembly communicated to Council.
Auctioneers Bill	Ordered to be further considered this day six months, 2nd June, 1857.		
Gunpowder Bill	19th August, 1857 ...	Agreed to	27th August, 1857.
Railway Loan Bill	10th November, 1857 ...	Agreed to	17th November, 1857.
Sewerage and Water Bill... ..	1st June, 1858	Some agreed to	2nd June, 1858.
Gunpowder Bill	18th January, 1859	Agreed to	26th January, 1859.
Oyster Fisheries Bill	26th January, 1859	Agreed to	1st February, 1859.
Fisheries Bill	11th February, 1859	Agreed to	17th February, 1859.
Innkeepers and Carriers Act Amendment Bill	15th February, 1859	Agreed to	17th February, 1859.
Audit Act Amendment Bill	22nd February, 1859	Agreed to	23rd February, 1859.
Spirit Dealers Registration Bill	Order of Day for further consideration in Committee discharged, 23rd February, 1859.		
Geelong and Melbourne Railway Purchase Bill	9th May, 1860	Not agreed to	23rd May, 1860.
Customs Act Amendment Bill	18th May, 1860	Some agreed to, some not	20th June, 1860.
Customs Act Amendment Bill	13th September, 1860	Not agreed to	18th September, 1860.
Weights and Measures Bill	Lapsed, July, 1861.		
Civil Service Bill	12th June, 1862	Some agreed to, some not	17th June, 1862.
Fisheries Bill	13th June, 1862	Agreed to	17th June, 1862.
Local Government Bill	27th May, 1863	Some agreed to, some not	12th June, 1863.
Passage Brokers Bill	4th June, 1863	Some agreed to, some not	17th June, 1863.
Customs Bill	4th June, 1863	Some agreed to, some not	17th June, 1863.
Customs and Excise Law Consolidation Bill...	10th March, 1864	Agreed to	16th March, 1864.
Gunpowder Bill	10th March, 1864	Agreed to	16th March, 1864.
Abattoirs and Slaughtering of Cattle Laws Consolidation Bill	10th March, 1864	Agreed to	17th March, 1864.
Auction and Auctioneers Laws Consolidation Bill	10th March, 1864	Agreed to	17th March, 1864.
Customs Duties Bill	17th March, 1864	Agreed to	13th April, 1864.
Fisheries and Game Laws Consolidation Bill	17th March, 1864	Agreed to	13th April, 1864.
Dog Act Amendment Bill	25th May, 1864	Some agreed to	31st May, 1864.
Publicans Acts Consolidation and Amendment Bill	31st May, 1864	Some agreed to, some not	31st May, 1864.
Post Office Law Consolidation Amendment Bill	31st May, 1864	Some agreed to	31st May, 1864.
Public Moneys and Audit Law Consolidation Bill	5th April, 1865	Not agreed to	2nd May, 1865.
	Final Message from Assembly ordered to be considered this day six months, 30th May, 1865.		
Post Office Law Amendment Bill	25th May, 1865	Some agreed to	1st June, 1865.
Mint Bill	29th June, 1865	Agreed to with amendments	25th July, 1865.
Hawkers and Pedlars Law Amendment Bill	29th June, 1865	Agreed to	5th July, 1865.
Water Works Bill	14th July, 1865	Some agreed to, some not	26th July, 1865. Bill not returned from Legislative Assembly finally.
Water Works Bill	6th September, 1865	Some agreed to, some not	20th September, 1865.

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.

VICTORIA.



VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

DURING

1867,

(THIRD SESSION.)

By Authority:

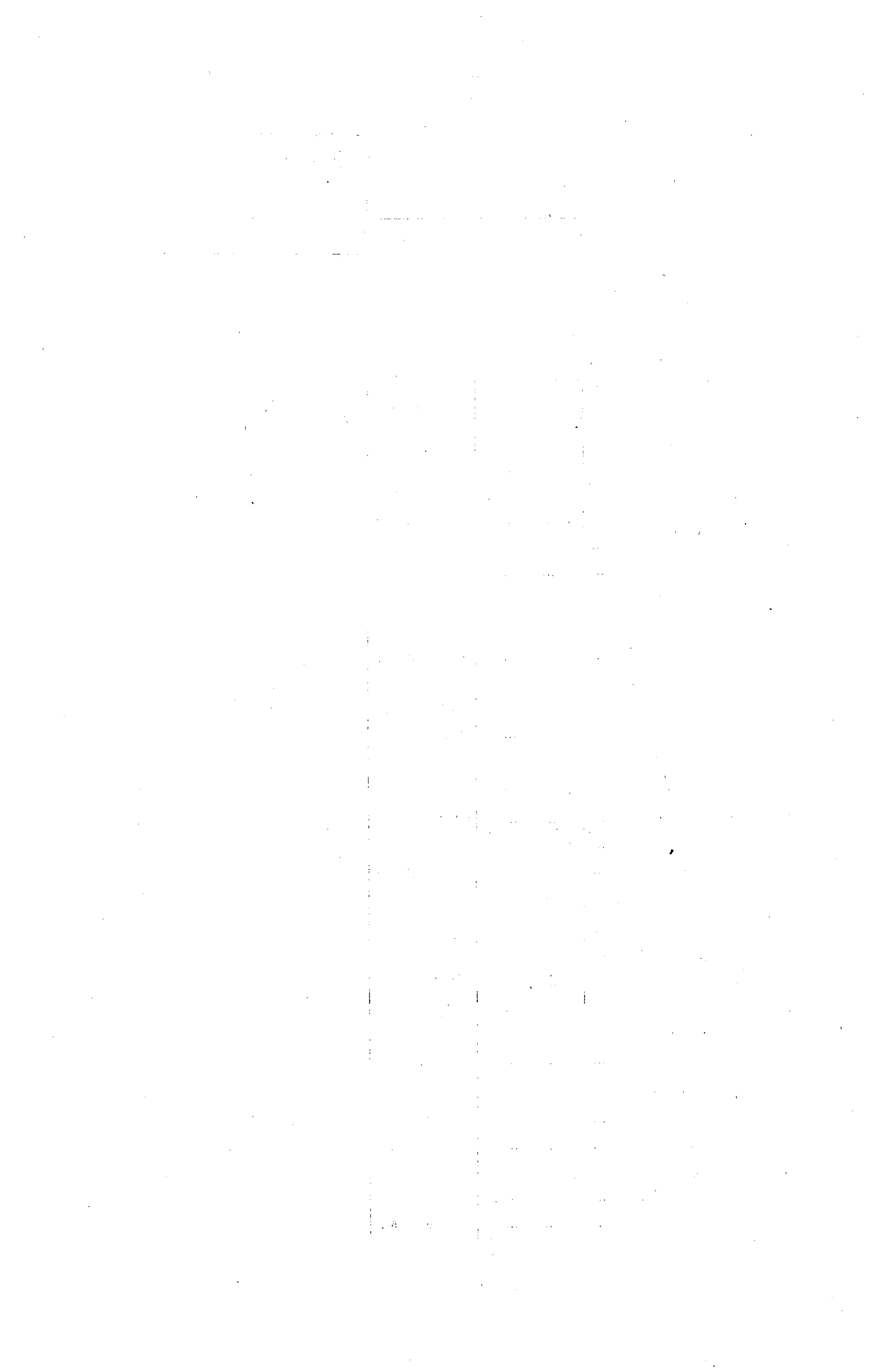
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[600 copies.]

1867.
THIRD SESSION.

RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 25TH NOVEMBER, 1867, AT
THE OPENING OF THE FOURTEENTH SESSION OF PARLIAMENT.

Names arranged in the Order of Retirement.	Elected at—		Remarks.
	Nomination.	Polling.	
CENTRAL PROVINCE:			
James Graham	20th Sept., 1866.		
John Pascoe Fawkner	20th Sept., 1864.		
Thomas Howard Fellows	22nd Sept., 1862.		
George Ward Cole	20th Sept., 1860.		
Thomas Turner a'Beckett ... ..	... ..	21st Sept., 1858.	
SOUTH PROVINCE:			
John Sherwin ... ..	... ..	3rd Oct., 1866.	
William Henry Pettett ... ..	... ..	3rd Oct., 1864.	
W. J. T. Clarke ... ..	... ..	29th Sept., 1862.	
William Degraives	18th Sept., 1860.		
John Pinney Bear ... ..	... ..	1st June, 1863.	
SOUTH-WESTERN PROVINCE:			
Thomas Learmonth ... ..	... ..	11th Oct., 1866.	
Robert Culbertson Hope ... ..	... ..	23rd April, 1867.	
James Henty	27th Sept., 1862.		
John McCrae ... ..	... ..	8th Oct., 1860.	
Caleb Joshua Jenner ... ..	... ..	17th Mar., 1863.	
WESTERN PROVINCE:			
Stephen George Henty	6th Oct., 1866.		
James Ford Strachan ... ..	... ..	8th Aug., 1866.	
Neil Black	6th Oct., 1862.		
Sir James Frederick Palmer	5th Oct., 1860.		
Charles Sladen	11th July, 1864.		
NORTH-WESTERN PROVINCE:			
Alexander Fraser	19th Oct., 1866.		
Nicholas Fitzgerald ... ..	... ..	2nd Nov., 1864.	
William Campbell... ..	... ..	1st Nov., 1862.	
William Henry Fancourt Mitchell	13th Jan., 1862.		
David Elliot Wilkie ... ..	... ..	1st Nov., 1858.	
EASTERN PROVINCE:			
Robert Stirling Anderson	10th Oct., 1866.		
Henry Morgan Murphy ... ..	... ..	24th Oct., 1864.	
Robert Turnbull	14th Dec., 1863.		
William Highett	5th Oct., 1860.		
Benjamin Williams	25th Oct., 1858.	



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VICTORIA.

THIRD SESSION.

No. 1.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

MONDAY, 25TH NOVEMBER, 1867.

His Excellency the Governor having, by Proclamation, bearing date at Melbourne, the twenty-first day of November, One thousand eight hundred and sixty-seven, appointed the Parliament to open this day at the hour of ten o'clock, a.m., the same was read by the Clerk, as follows:—

PROCLAMATION.

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

WHEREAS, by the Constitution Act, it is amongst other things enacted that it shall be lawful for the Governor to fix such places within Victoria and, subject to the limitation therein contained, such times for holding the first and every other Session of the Council and Assembly, and to vary and alter the same respectively in such manner as he may think fit; and also from time to time to prorogue the said Council and Assembly, and to dissolve the said Assembly, by Proclamation or otherwise, whenever he shall deem it expedient: And whereas the said Council and Assembly, called the Parliament of Victoria, have been and now stand prorogued until Tuesday, the twenty-sixth day of November instant, and it is expedient to fix a 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 Monday, the twenty-fifth day of November 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 ten o'clock in the forenoon, in the Parliament Houses, situate in Parliament place, Spring street, in the City of Melbourne; and the Honorable the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

Given under my hand and the Seal of the Colony, at Melbourne, this twenty-first day of November, in the year of our Lord One thousand eight hundred and sixty-seven and in the thirty-first year of Her Majesty's Reign.

(L.S.)

J. H. T. MANNERS SUTTON.

By His Excellency's Command,

JAMES McCULLOCH,

Chief Secretary.

GOD SAVE THE QUEEN!

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

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

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:—

The arrival of His Royal Highness the Duke of Edinburgh induces me to summon you to resume your Parliamentary duties. I feel sure that you will bear in mind the gratifying circumstances under which I meet you, and that your deliberations on this auspicious occasion will be of a character to enhance the cordiality of the welcome about to be offered by this loyal Colony to the Son of our Queen.

J. H. T. MANNERS SUTTON.

25th November, 1867.

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

Mr. Speaker, and Mr. Speaker and the Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

The President took the Chair.

The President read the Prayer.

SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council that he had received a copy of the Speech delivered by His Excellency the Governor, and reported the same to the Council.

PRIVILEGES OF PARLIAMENT.—The Honorable G. W. Cole, with leave of the Council, moved, without notice, That leave be given to bring in a Bill to sustain the Privileges of Parliament.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable G. W. Cole, read a first time.

VISIT OF HIS ROYAL HIGHNESS THE DUKE OF EDINBURGH.—The Honorable G. W. Cole moved, That the Council present a Loyal Address to His Royal Highness the Duke of Edinburgh, in the following terms:—

To HIS ROYAL HIGHNESS PRINCE ALFRED ERNEST ALBERT, DUKE OF EDINBURGH,
Knight of the Most Noble Order of the Garter, &c., &c., &c.

MAY IT PLEASE YOUR ROYAL HIGHNESS.

We, the Legislative Council of Victoria, in Parliament assembled, congratulate Your Royal Highness on your safe arrival in this remote dependency of the British Empire, which has the honor of being named after Her Most Gracious Majesty the Queen.

We assure Your Royal Highness of our sincere loyalty, devotion, and attachment to Her Majesty's Throne and Person, and we rejoice to have this opportunity of bidding welcome to one of Her Majesty's Sons in the Person of Your Royal Highness.

We find it difficult to express the pleasure with which we regard Your Royal Highness' visit to these colonies, and while we beg to tender to you our heartiest welcome, we desire also to express our hope that your visit will be attended with pleasure and satisfaction to yourself.

Question—put and passed.

The Honorable G. W. Cole moved, That the Address be presented to His Royal Highness by the President and such Members of the Council as may desire to accompany him.

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 for the continuation of an Expiring Law,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 25th November, 1867.

FRANS. MURPHY,
Speaker.

EXPIRING LAW CONTINUATION BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Hon. G. W. Cole moved, That the Bill be now read a second time.

Bill read a second time.

CHAIRMAN OF COMMITTEES.—The Honorable G. W. Cole moved, That the Honorable Dr. Wilkie be Chairman of Committees of the Council.

Question—put and passed.

EXPIRING LAW CONTINUATION BILL.—The Honorable G. W. Cole moved, That this 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 Chairman of Committees reported, that the Committee had gone through the Bill, and had agreed to the same without amendment.

The Honorable G. W. Cole 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 G. W. Cole was read a third time and *passed*.

The Honorable G. W. Cole 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.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable T. H. Fellows moved, That a Select Committee be appointed to prepare an Address to His Excellency the Governor, in reply to his Speech opening the Parliament, and that such Committee consist of the following Members, viz.:—The Honorables G. W. Cole, N. Black, J. Henty, C. Sladen, and the mover.

Question—put and passed.

The Committee retired to prepare the Address.

The Honorable T. H. Fellows brought up the Address prepared by the Committee, and moved, That the same be now adopted, as follows :—

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

MAY IT PLEASE YOUR EXCELLENCY—

We, Her Most Gracious Majesty's most dutiful and loyal subjects, the Legislative Council of Victoria, in Parliament assembled, beg to thank Your Excellency for affording us an opportunity of presenting an Address of welcome to H.R.H. the Duke of Edinburgh on his arrival in Victoria.

We can assure Your Excellency that we shall bear in mind the gratifying circumstances under which Your Excellency has met us, and that our deliberations on the auspicious occasion will be of a character to enhance the cordiality of the welcome about to be offered by this loyal Colony to the Son of our Queen.

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

The Honorable T. H. Fellows moved, That the Address be presented by the President.

Question—put and passed.

The President left the Chair, and after lapse of a short time announced that he had presented the Address of the Council to His Excellency the Governor who had thanked him for the Address, and had intimated that a written reply would hereafter be communicated.

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 Bill :—

“An Act for the continuation of an Expiring Law.”

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

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

“J. H. T. MANNERS SUTTON,

“Governor.”

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

Mr. Speaker and the Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

ADJOURNMENT.—The Honorable G. W. Cole moved, That the Council do now adjourn until four o'clock on Tuesday, the 3rd proximo.

Question—put and passed.

The Council adjourned at five minutes to eleven o'clock until four o'clock on Tuesday, the 3rd proximo.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Select Committee

APPOINTED DURING THE (THIRD) SESSION OF 1867.

No. 1.—ADDRESS TO HIS EXCELLENCY THE GOVERNOR.

(Appointed 25th November, 1867).

The Hon. G. W. Cole
N. Black
J. Henty

The Hon. C. Sladen
T. H. Fellows (*Mover*).

VICTORIA, VOTES & PROCEEDINGS OF THE LEG. COUNCIL, 2^N & 3RD SESS: 1867.