

VICTORIA.



VOICES

AND

PROCEEDINGS

OF THE

LEGISLATIVE

COUNCIL.

1ST SESSION.

1867





TABLE OF CONTENTS.

	PAGE
RETURN OF MEMBERS OF COUNCIL AT OPENING OF SESSION	v
INDEX	vii
PAPERS LAID UPON THE COUNCIL TABLE, NOT ORDERED TO BE PRINTED	xiii
SUMMARY ON BILLS INTRODUCED INTO THE COUNCIL	xvii
MINUTES OF PROCEEDINGS	1
SELECT COMMITTEES	163
WEEKLY REPORT OF DIVISIONS	167

RETURNS TO ADDRESSES AND ORDERS, AND PAPERS :—

A	1. Return of Ratepayers	171
„	2. Taxed Costs	179
„	3. Duties on Goods <i>ex Queen of the Mersey</i>	183
„	4. Imports, 1866	185
„	5. The Cumberland Disease	187
„	6. Grants of Land to Volunteers	191
„	7. Immigration	193
„	8. Convicted Prisoners discharged before completion of Sentences	195
„	9. Immigration Expenditure, &c.	197
„	10. Minutes on the subject of the rejection of the Appropriation Bill	201
„	11. Conference Committees' Proceedings	209

REPORTS OF SELECT COMMITTEES :—

D	1. Printing.—First Report	257
„	2. Elections and Qualifications	261
„	2. Constitution of Legislative Council.—Progress Report	277
„	4. Standing Orders Committee.—First Progress Report... ..	285
„	5. Insolvency Law Amendment Bill	293
„	6. Precedents	319
„	7. Printing.—Second Report	349

RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 17TH JANUARY, 1867, AT THE
OPENING OF THE TWELFTH SESSION OF PARLIAMENT.

Names arranged in the Order of Retirement.	Elected at—		Remarks.
	Nomination.	Polling.	
CENTRAL PROVINCE :			
James Graham	20th Sept., 1866	...	Elected instead of the Honorable William Hull, retired by rotation.
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	Elected instead of the Honorable William Taylor, retired by rotation.
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 :			
George Rolfe ... ..	...	11th Oct., 1866	Elected instead of the Honorable J. F. Strachan, who resigned shortly before the period at which his retirement by rotation would have taken place. No immediate election took place.
John Lowe ... ..	...	11th Oct., 1864.	
James Henty	27th Sept., 1862.		
John McCrae ... ..	...	8th Oct., 1860.	
Caleb Joshua Jenner ... ..	...	17th Mar., 1863.	
WESTERN PROVINCE :			
Stephen George Henty	6th Oct., 1866	...	Retired by rotation and re-elected.
James Ford Strachan ... ..	...	8th Aug., 1866	The Honorable H. Miller having accepted office, the seat was vacated, and the Honorable J. F. Strachan was elected thereto.
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	...	Retired by rotation and re-elected.
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	...	Retired by rotation and re-elected.
Henry Morgan Murphy ... ..	...	24th Oct., 1864.	
Robert Turnbull	14th Dec., 1863.		
William Highett	5th Oct., 1860.		
Benjamin Williams ... ..	...	25th Oct., 1858.	



I N D E X .

	Minutes of Proceedings.	Papers Printed.
	Page.	Page.
A.		
Absence, leave of, Hon. W. J. T. Clarke	37	
Hon. W. H. F. Mitchell	72	
Accounts : Public, 1866, Regulations : Laid on Council Table	9	
Address : Congratulation to Governor, on assuming office	5	
Address in reply to Governor's Speech	10, 11	
To Brigadier-General Carey, C.B.	15	
Reply of Brigadier-General Carey, C.B., to	19	
Committee appointed to prepare, to Governor, setting forth circumstances under which Council have rejected the Appropriation Bill	131	
Report of Select Committee to prepare : Brought up	132	
Committee re-appointed to prepare	135	
Report, as re-considered, brought up and read	135, 141	
Adjournment of Council : Mark of respect for the memory of the Hon. John Lowe, deceased	7	
Agriculture, Board of, Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	124	
Agriculture, Board of : Seventh Annual Report : Laid on Council Table	9	
Eighth Annual Report : Laid on Council Table	145	
Agriculture and Live Stock Statistics	9	
Appropriation Act (295) Explanation Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	112	
Appropriation Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	120	
Address to Governor on rejection of : Committee appointed to prepare	131	
Report { Brought up	132	
{ Adopted	141	
Minutes on subject of rejection of : Laid on Council Table and ordered to be printed	147	201
Minutes on subject of rejection of : Motion (<i>Hon. H. M. Murphy</i>)	161	
Ararat Mining District : Polling Places : Order of Council (4th February, 1867) : Laid on Council Table	21	
Attendance of Members : Motion (<i>Hon. J. P. Fawcner</i>) : Clerk instructed to request	120	
Australian Alliance Assurance Company Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	45	
B.		
Ballaarat Mining District Polling Places : Order in Council (18th February, 1867) : Laid on Council Table	23	
Mining on Reserved Lands : Report of Commission : Laid on Council Table	86	
Beechworth and Gipps Land Mining Districts and Divisions, Alteration of (12th March, 1867) (12th August, 1867) : Laid on Council Table	37, 145	
Beechworth Mining District : Polling Places : Order in Council (21st January, 1867) : Laid on Council Table	17	
Water Rights : Application for : Report of Board : Laid on Council Table	37	
Bills : Dealing with Territorial Revenue in : Motion (<i>Hon. C. Sladen</i>)	43	
Incidentally involving Imposts : Motion for Committee to confer with Committee of Assembly	49	
Report of Committee brought up	67	
Motion (<i>Hon. C. Sladen</i>)	69	
Committee appointed to confer on, to sit during adjournment of Council	73, 76	
Report of Committee brought up and read by Clerk	81	
Report of Committee adopted and referred to Standing Orders Committee	83	
Boroughs, Shires, and Road Districts Law Amendment Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	128	
Business, Days of, and Government : Motion	10	
C.		
Carey, Brigadier-General, C.B. : Reply to Address of Council	19	
Chairman of Committees : Appointed	11	
Civil Establishment of Victoria, { 1865 : Laid on Council Table	9	
{ 1866 : Laid on Council Table	61	
Clerk of Council, Permission to, to give Evidence	90	
Collingwood Land Vesting Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")... ..	117	
Conference Committees' Proceedings : Motion (<i>Hon. H. M. Murphy</i>)	159	
Laid on Council Table and ordered to be printed	161	209
Consolidated Revenue Bill (1) : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")... ..	18	
Consolidated Revenue Bill (2) : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")... ..	55	
Consolidation Acts Amendment Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	86	
Consolidated Revenue Bill (3) : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")... ..	152	

	Minutes of Proceedings.	Papers Printed.
	Page.	Page.
Constitution : Conference upon	104	
Constitution of Council Bill : Brought in (<i>Hon. W. H. F. Mitchell</i>) (<i>vide</i> "Summary on Bills")	91	
Leave given to make clerical alterations in	93	
Constitution of Legislative Council : Committee on, Appointed	15	
Progress Report	51	277
{ Brought up and ordered to be printed	61	
{ Adopted	29	
Council, Quorum of : Wanting	10	
Costs, Taxed : Petitioners in actions against the Crown : Return to Order of Legislative Council : Laid on Council Table...	37	179
Return ordered to be printed		
Courts, County : Regulations : Dandenong (October, 1866)		
Fees in County : Regulations (18th June, 1866)		
Fees in Courts of Mines : Regulations (18th June, 1866)		
Of Mines : General Rule for (24th December, 1866)		
Of Mines : Sale and Mining District Gipps Land : Order in Council (21st January, 1867) : Laid on Council Table	10	
Cricket Reserve, Ballarat : Mining Company authorised to mine under : Laid on Council Table	16	
Criminal Statistics, Victoria, 1866 : Laid on Council Table	153	
Cumberland Disease : Correspondence respecting	9, 97	
{ Laid on Council Table	33	
{ Ordered to be printed	37	187
Customs Duties Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	40	
Customs Duties Bill (2) : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	86	
Customs Duties uncollected : Report of Royal Commission (17th January, 1867) : Laid on Council Table	10	
Trade and Customs Accounts, 1865 : Laid on Council Table		
Duties unpaid on Tea, Sugar, Opium, and Gold : Motion for Return of (<i>Hon. H. M. Murphy</i>)		
Return of Duties unpaid on Tea, Sugar, Opium, and Gold : Laid on Council Table		
Duties on Goods <i>ex</i> "Queen of the Mersey" : Motion (<i>Hon. R. S. Anderson</i>)		
Return laid on Table		
Imports, 1866 : Values, Package Rate, &c. : Motion for Return	14	
Imports, 1866 : Values, Package Rate, &c. :—Return laid on Council Table	15	
	17	
	20	
	21	
D.		
Darling, Sir C. : Motion for Message to Legislative Assembly, requesting Report, &c., from Select Committee appointed to prepare Address to (<i>Hon. T. H. Fellows</i>)	109	
Message from Assembly, with Report from Select Committee to prepare Address to : Referred to Select Committee on Precedents...	112	
Defences, Colonial : Report of Mr. Verdon's Proceedings in England : Laid on Council Table	10	
Address to Queen : Motion for Select Committee		
Report of Select Committee brought up and adopted		
Diseases : Return of, in various Establishments, 1866 : Laid on Council Table	17	
Duties on Goods <i>ex</i> "Queen of the Mersey," Return of	99	
{ Laid on Council Table	17	
{ Ordered to be printed	37	183
E.		
Education : Regulations of Board (May to September, 1866) : Laid on Council Table	9	
Public Report of Commission (29th January, 1867) : Laid on Council Table	15	
Fifth Report of Board of, 1866 : Laid on Council Table	75	
Appendices IV, V, VI, to the Fifth Report of Board of : Laid on Council Table	117	
Elections and Qualifications Committee : Warrant : Laid on Council Table	9, 13, 15	
Hon. H. M. Murphy appointed in place of Hon. C. Sladen, resigned : President's Warrant	21, 23, 25	
Time and Place of first Meeting appointed	25	
Members of : Sworn	27	
Report of	31	
{ Brought up	37	
{ Ordered to be printed		
Election, South Western Province : Notice from the Hon. G. Rolfe, declining to defend Seat	25	261
Letter from Hon. T. Learmonth, electing to sit for election in October, 1866	39	
Electric Telegraph : Report of Superintendent, 1866 : Laid on Council Table	55	
Error in "Transfer of Real Estate Bill," Session 2, 1866 : Announced by President...	9	
Expiring Law Continuation Bill (Cattle Disease) : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	119	
Expiring Law Continuation (Imprisonment for Debt) : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	153	
G.		
Game Statute, 1867 : Brought in (<i>Hon. C. Sladen</i>) (<i>vide</i> "Summary on Bills")	103	
Gold Mining Leases : Regulations : Order in Council (15th July, 1867) : Laid on Council Table	109	
Governor : Address of Congratulation to, on assuming office : Reply to	13	
Gratuities or Pensions : Motion (<i>Hon. W. Degraes</i>)	93	

	Minutes of Proceedings.	Papers Printed.
	Page.	Page.
H.		
Health, Central Board of : Eleventh Annual Report : Laid on Council Table ...	15	
Health Office, Report of, 1866 : Laid on Council Table ...	25	
Health, Public, Amendment Bill : Brought from Legislative Assembly (<i>vide</i> "Summary on Bills") ...	31	
Committee appointed to confer with Committee of Assembly on ...	58, 61	
Committee on, empowered to sit during adjournment ...	63	
Report of Select Committee to confer on : Brought up ...	65	
Order of Day for consideration of Report discharged from Paper ...	67	
Committee appointed to draw up reasons for insisting on Amendments in ...	77	
Report of Committee appointed to draw up reasons in : Brought up and adopted ...	79	
I.		
Immigration Expenditure : Motion (<i>Hon. R. S. Anderson</i>) ...	77	
Correspondence laid on Council Table ...	101	
Return { Laid on Council Table ...	105	
{ Ordered to be printed ...	123	197
Immigration Expenditure : Passage Warrants, &c. : Motion for Return ...	37	
Return { Laid on Council Table ...	123	
{ Ordered to be printed ...	123	193
Immigration : Motion (<i>Hon. C. J. Jenner</i>) ...	73, 75	
Imports, 1866 : Values, Package Rate, &c. : Motion for Return ...	20	
Return { Laid on Council Table ...	21	
{ Ordered to be printed ...	37	185
Industrial Schools : New Dietary Scale : Laid on Council Table ...	9	
Report of Inspector, 1866 : Laid on Council Table ...	41	
Insolvency : Motion for Returns (<i>Hon. C. Sladen</i>) ...	86	
Insolvency Law Amendment Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills") ...	81	
Referred to Select Committee ...	89	
Report of Select Committee brought up and ordered to be printed ...	117	293
Insolvency Validity Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills") ...	16	
Instruments and Securities Statute 1864 Amendment Bill : Brought in (<i>Hon. C. Sladen</i>) (<i>vide</i> "Summary on Bills") ...	104	
J.		
Justices of the Peace Statute (1865) Amendment Bill : Brought in (<i>Hon. C. Sladen</i>) (<i>vide</i> "Summary on Bills") ...	103	
L.		
Land Act 1862, and Land Act 1865 : Report of Proceedings under (29th January, 1867) : Laid on Council Table ...	15	
Lands (Crown) : Receipts from, 1866 : Motion for Return (<i>Hon. R. S. Anderson</i>) ...	40	
Estimates of quantities to be sold in 1867 : Laid on Council Table ...	53	
Lands sold and leased { (July, 1865, to June, 1866) : Return laid on Council Table ...	69	
{ (July to 31st December, 1865) : Return laid on Council Table ...	71	
Law Offices Department : Select Committee to enquire into, appointed ...	101	
Leave given to Hon. Members to attend Select Committee of Assembly as witnesses ...	52	
Library (Joint) Committee : Appointed ...	10	
Library (Public) : Bill brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills") ...	128	
Trustees Report : Motion (<i>Hon. C. Sladen</i>) ...	145	
Licences : Auriferous and Mineral Lands and Water Right : Deposits under regulations relating to Leases : Order in Council : Laid on Council Table ...	16	
Water Right : Amending regulations : Laid on Council Table ...		
Local Government Act (No. 176) : Second Report of Assistant Commissioner Roads and Bridges : Laid on Council Table ...	97	
Lowe, Hon. John : Adjournment of Council as mark of respect for Memory of ...	7	
Lunacy Laws Consolidation and Amendment Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills") ...	40	
M.		
Manufactures and Industries (New) : Report of Board : Laid on Council Table ...	5	
Additional Report : Laid on Council Table ...	39, 55	
Member (New) : Sworn in ...	120	
Members, Attendance of : Specially requested : Motion (<i>Hon. J. P. Fawcner</i>) ...	3, 4, 5, 13	
Members (New) : Sworn in ...		
Message from His Excellency the Governor, announcing transmission of Address to Brigadier General Carey to Secretary of State ...	19	
Announcing transmission of Address to Queen : Defences ...	21	
Transmitting Despatches announcing Visit of H.R.H. Prince Alfred ...	99	
Despatch from Secretary of State acknowledging Addresses of Legislative Council ...		
Replying to Address on subject of Appropriation Bill ...	151	
Messages from the Legislative Assembly :—		
Transmitting Insolvency Validity Bill ...	16	
Consolidated Revenue Bill (1) ...	18	

	Minutes of Proceedings.	Papers Printed.
	Page.	Page.
Messages from the Legislative Assembly (continued):—		
Transmitting Public Health Amendment Bill	31	
Customs Duties Bill, and Lunacy Laws Consolidation and Amendment Bill	40	
Returning Public Health Amendment Bill	44	
Transmitting Australian Alliance Assurance Company Bill	45	
Report and Proceedings Australian Alliance Assurance Company Bill	50	
Requesting permission for Honorables W. H. F. Mitchell and R. S. Anderson to attend as witnesses	51	
Acquainting Council that Assembly have appointed Committee to confer on Bills for imposing duties	53	
Transmitting Consolidated Revenue Bill (2)	55	
Returning Public Health Bill with amendments and asking conference on certain clauses	57	
Acquainting Council that Assembly have appointed Committee to confer on all points at issue in the Public Health Bill	61	
Returning Public Health Bill and insisting on Amendments	73	
Acquainting Council that they have referred Council Message, with the Customs Duties Bill, to Committee appointed to confer	75	
Transmitting Insolvency Law Amendment Bill	81	
Returning Lunacy Laws Consolidation and Amendment Bill, with Amendments	82	
Transmitting Consolidation Acts Amendment Bill and Customs Duties Bill (2)	86	
Requesting permission for G. W. Rusden, Esq., to attend as witness	90	
Returning Public Health Laws Amendment, with further amendments	95	
Returning Lunacy Laws Consolidation and Amendment Bill	100	
Transmitting Officials in Parliament Bill and Royal Mint Bill	101	
Appropriation Act 295 Explanation Bill		
Report of Committee appointed to prepare Address to Sir C. Darling	111	
Message from Governor recommending amendment in Public Health Bill		
Message from Governor recommending amendment in Lunacy Laws Consolidation and Amendment Bill	112	
Message from Governor recommending amendment in Public Health Bill	117	
Synod of Victoria Bill and Collingwood Land Vestment Bill		
Returning Instruments and Securities Statute 1864 Amendment Bill, Game Statute 1867 Bill, and Passengers Harbors and Navigation Statute 1865 Amendment Bill	119	
Transmitting Expiring Law Continuation Bill		
Report, &c., on Synod of Victoria Bill		
Appropriation Bill	120	
Board of Agriculture Bill		
Returning Real Property Statute 1864 Amendment Bill, Public Works Statute 1865 Amendment Bill, Justices of the Peace Statute 1865 Amendment Bill	124	
Transmitting Payment of Members Bill		
Public Library Bill, and Boroughs Shires and Road Districts Law Amendment Bill		
Mining Companies Limited Liability Act Amendment Bill	128	
Returning Mining Statute 1865 Amendment Bill and Transfer of Land Statute Amendment Bill		
Transmitting Consolidated Revenue Bill (3)	152	
Returning Justices of Peace Amendment Bill		
Transmitting Expiring Law Continuation Bill	153	
Acquainting Council that they had appointed Committee to confer on subject of Preamble to Consolidated Revenue Bill (3)	155	
Returning Synod of Victoria Bill	156	
Boroughs Shires and Road Districts Law Amendment Bill		
Mining Companies Limited Liability Act Amendment Bill	158	
Transmitting Message from Governor recommending amendment in Lunacy Laws Consolidation and Amendment Bill	159	
Military: Despatches relative to distribution of Troops in Victoria (26th June, 1863 to 26th December, 1866): Laid on Council Table	69	
Mineral Statistics of Victoria, 1866: Laid on Council Table	49	
Leases: Regulations: Order in Council (15th July, 1867): Laid on Council Table	109	
Mining Companies Limited Liability Act Amendment Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	128	
Mining Operations: Authorized on exempted Lands: Conditions (18th February, 1867): Laid on Council Table	27	
Lands excepted from: Order in Council (27th February, 1867): Laid on Council Table	37	
On exempted Lands: Authorization of, cancelled: Laid on Council Table	41	
Expedition Pass: Order in Council (25th April, 1867): Laid on Council Table	66	
Lands excepted from: Mollison's Creek (17th June, 1867): Laid on Council Table	91	
Hustler's Reef Railway Company: Exempted Lands: Laid on Council Table	105	
Spring Gully: Lands excepted from: Laid on Council Table	127	
Reservoir at Myers exempted from: Laid on Council Table	153	
Mining Statute (1865): Orders in Council under (24th December, 1866): Laid on Council Table	16	
Mining Statute (1865) Amendment Bill: Brought in (<i>Hon. C. Sladen</i>) (<i>vide</i> "Summary on Bills")	109	

	Minutes of Proceedings.	Papers Printed.
	Page.	Page.
Mining Surveyors' and Registrars' Reports (September to December, 1866): Laid on Council Table	17	
Quarter ending 31st March, 1867: Laid on Council Table	67	
Quarter ending 30th March, 1867: Laid on Council Table	145	
Rules for (3rd June, 1867): Laid on Council Table	91	
Rules for: Ballaarat District (3rd June, 1867): Laid on Council Table		
Mint (Royal) Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	101	
Minute by the Late Governor. <i>See</i> Darling, Sir C.	109	
N.		
Neglected and Criminal Children Act: Report on Female Reformatory and Industrial Schools, Abbotsford: Laid on Council Table	75	
Industrial Schools, St. Josephs, Geelong: Laid on Council Table		
O.		
Officials in Parliament Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	101	
Omeo Division of Beechworth Mining District: Order in Council (20th May, 1867): Laid on Council Table	75	
Opinion by the President: Money Bills	43, 71	
On Amendments in Lunacy Bill... ..	91	
P.		
Paper Duties Bill: Debates on, in Imperial Parliament: Motion (<i>Hon. G. W. Cole</i>)	75	
Parliament: Proclamation convening	1	
Buildings (Joint) Committee: Appointed	10	
Report brought up and adopted	54	
Passengers, Harbors, and Navigation Statute Amendment Bill: Brought in (<i>Hon. C. Sladen</i>) (<i>vide</i> "Summary on Bills")	103	
Payment of Members Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	128	
Pensions or Gratuities: Motion (<i>Hon. W. Degraives</i>)	93	
Petition: Robert Lewis: South-Western Province Election	19	
Richard Eades and others: Sale of Fish	31	
Corporation of City of Melbourne: Sale of Fish		
Andrew Allan and others: Sale of Fish	32	
Mr. Kratowski and others: Sale of Fish		
James L. Burke and others: Postal Conference	49	
John Benn, chairman, Chamber of Commerce: Postal Conference	51	
McEwan and Co. and others: Duties on Spirits imported	69	
Borough of Prahran: Yarra Pollution	73	
W. H. Bowden and others: Synod of Victoria Bill	118	
Augustus A. F. A. Greeves: Synod of Victoria Bill	120	
H. P. Fergie: Synod of Victoria Bill		
Donald McAndrew and others: Synod of Victoria Bill	123	
A. McVean: Synod of Victoria Bill	131	
John Steele and others: Synod of Victoria Bill	147	
Pilot Board: Accounts of (1865): Laid on Council Table	5	
Post Office Department: Report, 1866: Laid on Council Table	61	
Post Office Savings Bank: Deposit and Expenses, 1866: Laid on Council Table		
Postal Conference Agreement: Motion (<i>Hon. C. J. Jenner</i>)	53	
Precedents: Select Committee on: Appointed	111	
Message of Assembly, with Report, referred to Committee on	112	
Report of Select Committee on: Brought up and ordered to be printed	117	319
President: Opinion of: Money Bills	43	
Opinion of, on Amendments in Money Bills	71	
Printing Committee: Appointed	10	
First Report brought up, adopted, and ordered to be printed	37	257
Second Report brought up, adopted, and ordered to be printed	123	349
Prisoners (Convicted): Discharged before Completion of Sentences: Motion for return (<i>Hon. H. M. Murphy</i>)	58	
Return { Laid on Council Table... ..	98	
{ Ordered to be printed	123	195
Privileges of Parliament Bill: Brought in (<i>Hon. G. W. Cole</i>) (<i>vide</i> "Summary on Bills")	5	
Prorogation... ..	161	
Public Works Statute 1865 Amendment Bill: Brought in (<i>Hon. C. Sladen</i>) (<i>vide</i> "Summary on Bills")	103	
Q.		
Quarantine: Return of Vessels (1864): Report Sanatory Station (1865): Laid on Council Table	9	
Quorum of Council wanting	29	
R.		
Races, Drains, Reservoirs, Regulations respecting: Order in Council (15th July, 1867): Laid on Council Table	109	
Railway Loans: Motion for returns (<i>Hon. J. F. Strachan</i>)	119	
Ratepayers: Return to order { Laid on Council Table	21	
{ Ordered to be printed	27	171
Real Property Statute Amendment Bill: Brought in (<i>Hon. C. Sladen</i>) (<i>vide</i> "Summary on Bills")	103	

	Minutes of Proceedings.	Papers Printed.
	Page.	Page.
Refreshment Rooms (Joint) Committee: Appointed	10	
Progress Report brought up	20	
Roads and Bridges. See Local Government Act	97	
Rolfe, Hon. G.: Notice from, declining to defend return, South-Western Province	25	
Royal Assent to Bills	18, 59, 95, 159	
S.		
Sanatory Station: Report on, Year 1865: Laid on Council Table	9	
1866: Laid on Council Table	55	
Savings Banks: Statements and Returns, June, 1866: Laid on Council Table	9	
Schedule D, 18 and 19 Vic., cap. 55: Expenditure, 1865-1866: Laid on Council Table	19	
Schools (Industrial): New Dietary Scale: Laid on Council Table	9	
Sewerage and Water Supply: Cash Sheet and Balance Sheet, 1866: Laid on Council Table	35	
Speech of Governor: Opening Parliament	1, 2	
Address in reply to	10, 11	
Reply of Governor to Address	13	
Proroguing Parliament... ..	161	
Standing Order No. 11: Motion (<i>Hon. G. W. Cole</i>)	39	
Standing Order No. 112: Suspended	123	
Standing Orders: Select Committee appointed	10	
Leave to sit during adjournment of Council	80	
Progress Report brought up and ordered to be printed	111	285
Statistics of Victoria, 1865 } Laid on Council Table	9	
Live Stock, 1866	9, 97	
Criminal, 1865: Laid on Council Table	49	
Mineral, 1866: Laid on Council Table	75	
Statistics of Victoria, 1866 } Part 1.—Population: Laid on Council Table	91	
} Part 2.—Accumulation } Laid on Council Table	117	
} Part 3.—Finance } Laid on Council Table	147	
} Part 4.—Law, Crime, &c.: Laid on Council Table	69	
} Part 5.—Vital Statistics: Laid on Council Table	19	
Supply Bills and Bills incidentally involving Imposts, &c.: Consideration of Progress Report of Committee to confer: Motion (<i>Hon. C. Sladen</i>)	89	
Swamp, Tobin Yallock: Conditions of Lease to W. Lyall: Laid on Council Table	95	
Snake Island: Conditions of Lease to P. Snodgrass: Laid on Council Table	3	
Parish of Gisborne: Conditions of Lease to T. F. Hamilton and W. Robinson: Laid on Council Table	3, 4, 5, 39	
Parish of Wurruck Wurruck: Conditions of Lease to W. Pearson: Laid on Council Table	117	
Swearing in of Members: Commission for	123	
Sworn in: Members		
Synod of Victoria Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")		
Standing Order 112, with reference to: Suspended		
T.		
Territorial Revenue: Dealing with, in Bills: Motion (<i>Hon. C. Sladen</i>)	43	
Trade and Customs, Accounts, 1865	14	
Transfer of Land Statute Amendment Bill: Brought in (<i>Hon. C. Sladen</i>) (<i>vide</i> "Summary on Bills")	103	
Transfer of Real Estate Bill (Second Session, 1866): Error in	9	
Truck System: Report of Board (30th August, 1867): Laid on Council Table	156	
U.		
Uncollected Customs Duties: Report of Royal Commission: Laid on Council Table	10	
University of Melbourne: Report (May, 1866): Laid on Council Table	9	
Report, Year ending 31st May, 1867: Laid on Council Table	105	
Unpaid Duties on Tea, Sugar, Opium, and Gold: Motion for Return	14	
Return laid on Council Table		
V.		
Volunteer Force Regulations: Laid on Council Table	9	
Regulations (Additional): Laid on Council Table... ..	53	
Volunteer Law Amendment Bill: Brought in (<i>Hon. G. W. Cole</i>) (<i>Vide</i> "Summary on Bills")	10	
Volunteers: Grants of Land to: Regulations (7th March, 1867): Laid on Council Table	37	
Paper ordered to be printed	41	
Motion for return (<i>Hon. J. McCrae</i>)	41	191
W.		
Wardens: General Rules for proceeding before: Laid on Council Table	10	
Water Supply, Barker's Creek: Lands reserved for: Order in Council (28th January, 1867): Laid on Council Table	17	
Willis, Mr. A., Claim of: Report of Board on: Laid on Council Table	98	
Writs, Return of: Announced by President	2	
Issue of: South-Western Province	9	
Return of: South-Western Province: Announced by President	17	
Issue of: South-Western Province	41	
Return of: South-Western Province	55	

PAPERS LAID ON THE COUNCIL TABLE,

NOT ORDERED TO BE PRINTED.

- 1867.
- 17th Jan. 1. Manufactures and Industries, New.—Report of Board (19th June, 1866).
„ 2. Pilot Board—Accounts of (1865).
„ 3. Manufactures and Industries, New.—Additional Report of Board (4th September, 1866).
- 23rd Jan. 4. Statistics of Victoria, 1865.
„ 5. Volunteer Force Regulations.
„ 6. Accounts, Public.—Regulations (15th June, 1866; 26th June, 1866; 26th July, 1866; 1st October, 1866).
„ 7. Agricultural and Live Stock Statistics for year ending 31st March, 1866.
„ 8. Civil Establishment of Victoria for year 1865.
„ 9. Quarantine, Return of Vessels in, 1864, and Report on Sanatory Station for year 1865.
„ 10. Education, Regulations of General Board of (28th May, 1866; 3rd July, 1866; 17th September, 1866).
„ 11. Savings Banks.—Statements and Returns, for year ending 30th June, 1866.
„ 12. University of Melbourne Report, for year ending 31st May, 1866.
„ 13. Industrial Schools New Dietary Scale.
„ 14. Criminal Statistics, 1865.
„ 15. Agriculture, Board of.—Seventh Annual Report
„ 16. County Court Regulations for Dandenong, 1st October, 1866.
„ 17. Fees in County Courts (Reg.), 18th June, 1866.
„ 18. Fees in Courts of Mines (Reg.), 18th June, 1866.
„ 19. Wardens, General Rules for Proceedings before.
„ 20. Courts of Mines, General Rule for (24th December, 1866).
„ 21. Uncollected Customs Duties.—Report of Royal Commission (17th January, 1867).
„ 22. Colonial Defences.—Report of Mr. Verdon's Proceedings as the Delegate of Victoria to Her Majesty's Government.
- 29th Jan. 23. Trade and Customs.—Accounts (1865).
„ 24. Unpaid Duties upon Tea, Sugar, Opium, and Gold.—Return to an Order of the Council.
- 5th Feb. 25. Land Act 1862, and Amending Land Act 1865.—Report of Proceedings under (29th January, 1867).
„ 26. Health, Central Board of.—Eleventh Annual Report.
„ 27. Education, Public.—Report of Commission (29th January, 1867).
„ 28. Mining Statute 1865—Orders in Council under (24th December, 1866).
„ 29. Courts of Mines, Sale, and Mining District of Gipps Land.—Order in Council (21st January, 1867).
„ 30. Auriferous and Mineral Lands and Water Right Licences.—Deposits under Regulations relating to Leases.—Order in Council (21st January, 1867).
„ 31. Water Right Licences, &c.—Amending Regulations (20th August, 1866).
- 12th Feb. 32. Mining Surveyors' and Registrars' Reports (Quarters ending 30th September, 1866, and 31st December, 1866).

- 1867.
- 12th Feb. 33. Water Supply—Barker's Creek—Lands reserved for.—Order in Council (28th January, 1867).
- „ 34. Beechworth Mining District, Polling places for Yackandandah Division of.—Order in Council (21st January, 1867).
- 19th Feb. 35. Schedule D, 18 and 19 Vict., Cap. 55.—Statement of Expenditure 1865, and an Account of 1866 to 31st December, 1866.
- „ 36. Tobin Yallock Swamp.—Conditions of proposed Lease to William Lyall.
- 26th Feb. 37. Ararat Mining District, Polling places for Barkly Division of.—Order in Council (4th February, 1867).
- 27th Feb. 38. Ballarat Mining District, Polling places for Divisions of.—Order in Council (18th February, 1867).
- 5th Mar. 39. Health Officer—Report of (Year ending 31st December, 1866).
- 6th Mar. 40. Mining Operations authorized on exempted Lands.—Conditions (18th February, 1867).
- 20th Mar. 41. Sewerage and Water Supply.—Cash Sheet and Balance Sheet, 1865.
- 26th Mar. 42. Beechworth Water Rights—Applications for.—Report of Board (24th January, 1867).
- „ 43. Mining Operations—Lands excepted from.—Order in Council (27th February, 1867).
- „ 44. Beechworth and Gipps Land Mining Districts and Divisions—Alteration of.—Order in Council (12th March, 1867).
- 2nd April. 45. Industrial Schools.—Report of Inspector, for year 1866.
- „ 46. Mining Operations on exempted Lands—Authorization of, cancelled.—Order in Council (18th March, 1867).
- 9th April. 47. Mineral Statistics of Victoria, 1866.
- 11th April. 48. Volunteer Force.—Additional Regulations (1st April, 1867).
- „ 49. Crown Lands.—Estimate of Quantities to be sold in 1867 (11th April, 1867).
- 30th April. 50. Sanatory Station.—Report of Chief Medical Officer, 1866.
- „ 51. Electric Telegraph.—Report of Superintendent, 1866.
- 7th May. 52. Civil Establishment of Victoria, 1866.
- „ 53. Post Office Savings Banks; Deposits and Expenses, 1866.
- „ 54. Post Office Department.—Report, 1866.
- 14th May. 55. Land excepted from Mining Operations.—Expedition Pass.—Order in Council (25th April, 1867).
- 15th May. 56. Mining Surveyors' and Registrars' Reports (Quarter ending 31st March, 1867).
- 21st May. 57. Lands sold and leased—Returns of (1st July to 31st December, 1865; 1st January to 30th June, 1866).
- „ 58. Military.—Despatches relative to distribution of Her Majesty's Troops in Victoria (26th June, 1863, to 26th December, 1866).
- 22nd May. 59. Lands sold and leased.—Return of Lands sold and leased, &c., &c., from 1st July to 31st December, 1865.
- 4th June. 60. Education—Fifth Report of Board of (1866).
- „ 61. Statistics of Victoria, 1866.—Part I.—Population.
- „ 62. Neglected and Criminal Children Act.—Report on Female Reformatory and Industrial Schools at Abbotsford, to 31st December, 1866.
- „ 63. Neglected and Criminal Children Act.—Report on Industrial Schools at St. Joseph's, Geelong (13th December, 1866).
- „ 64. Omeo Division of Beechworth Mining District to be designated the Mitta-mitta Division.—Order in Council (20th May, 1867).
- 25th June. 65. Mining on Reserved Lands at Ballarat.—Report of Royal Commission (25th June, 1867).
- 2nd July. 66. Swamp, portion of Snake Island—Conditions of Lease for reclamation of, proposed to be granted to P. Snodgrass, Esq.
- „ 67. Swamp, parish of Gisborne.—Conditions of Lease for reclamation of, proposed to be granted to Messrs. T. F. Hamilton and W. Robertson.

- 1867.
- 3rd July. 68. Statistics of Victoria, 1866.—Part 2.—Accumulation.
- „ 69. Statistics of Victoria, 1866.—Part 3.—Finance.
- „ 70. Mining Surveyors—Rules for, in Ararat, Beechworth, Castlemaine, Gipps Land, Maryborough, and Sandhurst Mining Districts.—Order in Council (3rd June, 1867).
- „ 71. Mining Surveyors, Ballarat District—Rules for.—Order in Council (3rd June, 1867).
- „ 72. Mining Operations.—Lands excepted from, being required for Reserve for Watershed to Reservoir on Mollison's Creek (17th June, 1867).
- 4th July. 73. Swamp in Parish of Wurruck-Wurruck—Conditions of Lease for reclamation of, proposed to be granted to William Pearson, Esq.
- 9th July. 74. Criminal Statistics, Victoria, 1866.
- „ 75. Local Government Act (No. 176).—Second Report of Assistant Commissioner of Roads and Bridges (for period 1st January, 1865, to 31st December, 1866) with Appendices.
- „ 76. Willis, Mr. A., Claim of—Report of Board on (20th February, 1867).
- 16th July. 77. Message from His Excellency the Governor.—Visit of His Royal Highness the Duke of Edinburgh.—Despatch with Enclosures.
- „ 78. Message from His Excellency the Governor.—Defences of the Colony.—Despatch with Enclosure.
- „ 79. Diseases.—Return of, in various Establishments, 1866 (Chief Medical Officer).
- 17th July. 80. Immigration Expenditure, and Correspondence between the Treasury and Customs Departments relative to the Order of the Council made on the 6th June, 1867.
- 23rd July. 81. Mining Operations by the Hustler's Reef Railway Company authorized on exempted lands (8th July, 1867).
- „ 82. University of Melbourne.—Report (Year ending 31st May, 1867).
- 30th July. 83. Races, Drains, Dams, and Reservoirs—Regulations respecting Licences to cut, construct, and use, under Mining Statute 1865.—Order in Council (15th July, 1867).
- „ 84. Mineral Leases.—Regulations altering Regulations of 24th December, 1866.—Order in Council (15th July, 1867).
- „ 85. Gold Mining Leases altered.—Regulations altering Regulations of 24th December, 1866.—Order in Council (15th July, 1867).
- 13th Aug. 86. Education, Board of—Appendices IV, V, VI, to the Fifth Report of.
- „ 87. Statistics of Victoria, 1866.—Part IV.—Law, Crime, &c.
- 20th Aug. 88. Mining Operations, lands excepted from; the said lands being required as a Reserve for a branch aqueduct to Spring Gully.—Order in Council (5th August, 1867).
- 27th Aug. 89. Mining Surveyors and Registrars.—Reports of, for Quarter ending 30th June, 1867.
- „ 90. Agriculture, Board of—Eighth Annual Report of.
- „ 91. Beechworth and Gipps Land Mining Districts—Polling places for.—Order in Council (12th August, 1867).
- 29th Aug. 92. Statistics of Victoria, 1866.—Part V.—Vital Statistics, &c.
- 3rd Sept. 93. Mining Operations—Reservoir at Myers exempted from.—Order in Council (19th August, 1867).
- „ 94. Cricket Reserve, Mining Company authorized to construct drives under a Reserve at Ballarat.—Order in Council (22nd August, 1867).
- 4th Sept. 95. Truck System.—Report of Board (30th August, 1867).

VICTORIA.

SUMMARY OF PROCEEDINGS ON BILLS IN THE LEGISLATIVE COUNCIL DURING THE FIRST SESSION 1867.

No.	SHORT TITLES OF BILLS.	By whom and when initiated.	PROGRESS.															Number of Act.	REMARKS.			
			First Reading.	Second Reading.	Committal.	Report.	Re-committal.	Report after Re-committal.	Adoption of Report.	Third Reading.	Passing.	Sent to Legislative Assembly.	Returned from Legislative Assembly.		Amendments considered.	Re-transmitted to Legislative Assembly.	Assent.			Publication in the Government Gazette.		
1	Privileges of Parliament Bill	Honorable G. W. Cole	1867. 17th Jan.	1867. 17th Jan.	1867. ..	1867. ..	1867. ..	1867. ..	1867. ..	1867. ..	1867. ..	1867. ..	1867. ..	1867. ..	1867. ..	1867. ..	1867. ..	1867. ..	1867. ..	..	Lapsed.
2	Volunteer Law Amendment Bill ..	Honorable G. W. Cole	23rd Jan.	23rd Jan.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Lapsed.
3	Insolvency Validity Bill	Message from Legislative Assembly	5th Feb.	5th Feb.	5th Feb.	5th Feb.	5th Feb.	..	..	5th Feb.	5th Feb.	5th Feb.	..	..	..	..	..	..	12th Feb.	15th Feb.	CCCII.
4	Consolidated Revenue Bill (1) ..	Message from Legislative Assembly	12th Feb.	12th Feb.	12th Feb.	12th Feb.	12th Feb.	..	..	12th Feb.	12th Feb.	12th Feb.	..	..	..	..	..	..	12th Feb.	15th Feb.	CCCIII.
5	Health Laws Amendment Bill ..	Message from Legislative Assembly	12th March	12th March	13th March	13th March	20th March	26th March	26th March	26th March	26th March	26th March	..	3rd April 1st May 28th May 4th July	4th April .. 6th June 9th July	4th April 1st May 11th June ..	..	..	6th Sept.	10th Sept.	CCCX.
6	Customs Duties Bill	Message from Legislative Assembly	27th March	27th March	21st May	21st May	21st May	21st May	22nd May	22nd May	22nd May	Not returned from Legislative Assembly.
7	Lunacy Laws Consolidation and Amendment Bill	Message from Legislative Assembly	27th March	27th March	3rd April	3rd April	1st May	1st May 7th May 8th May	1st May 7th May 8th May	8th May	8th May	8th May	8th May	..	18th June	25th June 3rd July
8	Australian Alliance Assurance Company Bill	Message from Legislative Assembly	4th April	10th April	30th April	30th April	1st May	..	..	2nd May	7th May	7th May	..	..	..	..	..	..	6th Sept.	10th Sept.	CCCIX.
9	Consolidated Revenue Bill (2) ..	Message from Legislative Assembly	30th April	30th April	30th April	30th April	30th April	..	..	30th April	30th April	30th April	..	..	..	..	..	..	2nd May	3rd May	CCCIV.
10	Insolvency Law Amendment Bill ..	Message from Legislative Assembly	18th June	18th June	Referred to Select Committee.—2nd July, 1867.
11	Consolidation Acts Amendment Bill ..	Message from Legislative Assembly	25th June	25th June	16th July	16th July	17th July	17th July	17th July	Discharged from Notice Paper.—18th July, 1867.
12	Customs Duties Bill (2)	Message from Legislative Assembly	25th June	25th June	25th June	25th June	25th June	..	..	25th June	25th June	25th June	..	..	..	..	..	..	4th July	9th July	CCCVI.
13	Constitution of Council Bill	Honorable W. H. F. Mitchell ..	3rd July	3rd July	Discharged from Notice Paper.—18th July, 1867.
14	Officials in Parliament Bill	Message from Legislative Assembly	17th July	17th July	Lapsed.—30th July, 1867.
15	Royal Mint Bill	Message from Legislative Assembly	17th July	17th July	23rd July	23rd July	23rd July	..	..	23rd July	23rd July	23rd July	..	..	..	..	..	..	6th Sept.	10th Sept.	CCCVII.
16	Transfer of Land Statute Amendment Bill	Honorable C. Sladen	18th July	18th July	23rd July	23rd July	30th July	..	..	6th Aug.	6th Aug.	6th Aug.	6th Aug.	..	20th Aug.	29th Aug.	..	..	6th Sept.	10th Sept.	CCCVIII.
17	Real Property Statute Amendment Bill ..	Honorable C. Sladen	18th July	18th July	23rd July	23rd July	23rd July	..	..	23rd July	23rd July	23rd July	23rd July	..	15th Aug.	29th Aug.	..	..	6th Sept.	10th Sept.	CCCXIII.
18	Public Works Statute 1865 Amendment Bill	Honorable C. Sladen	18th July	18th July	23rd July	23rd July	23rd July	23rd July	23rd July	23rd July	23rd July	..	15th Aug.	Lapsed.
19	Justices of Peace Statute 1865 Amendment Bill	Honorable C. Sladen	18th July	18th July	23rd July	23rd July	23rd July	..	..	23rd July	23rd July	23rd July	23rd July	..	15th Aug.	29th Aug.	29th Aug.	..	6th Sept.	10th Sept.	CCCXIX.
20	Passengers, Harbors, and Navigation Statute Amendment Bill	Honorable C. Sladen	18th July	18th July	23rd July	23rd July	23rd July	..	..	23rd July	23rd July	23rd July	23rd July	14th Aug.	..	..	..	..	6th Sept.	10th Sept.	CCCXII.
21	Game Statute 1867	Honorable C. Sladen	18th July	18th July	23rd July	23rd July	23rd July	..	..	23rd July	23rd July	23rd July	23rd July	14th Aug.	..	..	..	..	6th Sept.	10th Sept.	CCCXI.
22	Instruments and Securities Statute 1864 Amendment Bill	Honorable C. Sladen	18th July	18th July	23rd July	23rd July	23rd July	..	..	23rd July	23rd July	23rd July	23rd July	..	14th Aug.	15th Aug.	..	..	6th Sept.	10th Sept.	CCCXIII.
23	Mining Statute 1865 Amendment Bill ..	Honorable C. Sladen	30th July	30th July	30th July	30th July	30th July	..	..	30th July	30th July	30th July	30th July	..	20th Aug.	22nd Aug.	..	..	6th Sept.	10th Sept.	CCCXVI.
24	Appropriation Act No. 295 Explanation Bill	Message from Legislative Assembly	6th Aug.	6th Aug.	7th Aug.	7th Aug.	7th Aug.	..	..	7th Aug.	7th Aug.	7th Aug.	..	..	..	..	..	..	6th Sept.	10th Sept.	CCCXVIII.
25	Synod of Victoria Bill	Message from Legislative Assembly	13th Aug.	15th Aug.	22nd Aug.	29th Aug.	29th Aug.	..	..	3rd Sept.	3rd Sept.	3rd Sept.	..	..	..	..	..	..	6th Sept.	10th Sept.	CCCXXI.
26	Collingwood Land Vesting Bill	Message from Legislative Assembly	13th Aug.	13th Aug.	14th Aug.	15th Aug.	15th Aug.	..	..	15th Aug.	15th Aug.	15th Aug.	..	..	..	..	..	..	6th Sept.	10th Sept.	CCCXV.
27	Expiring Law Continuation Bill	Message from Legislative Assembly	14th Aug.	14th Aug.	15th Aug.	15th Aug.	15th Aug.	..	..	15th Aug.	15th Aug.	15th Aug.	..	..	..	..	..	..	6th Sept.	10th Sept.	CCCXIV.
28	Appropriation Bill	Message from Legislative Assembly	14th Aug.	14th Aug.	Rejected (on second reading).—20th August, 1867.
29	Board of Agriculture Bill	Message from Legislative Assembly	15th Aug.	15th Aug.	Ordered to be read a second time "this day six months."—29th August, 1867.
30	Payment of Members Bill	Message from Legislative Assembly	20th Aug.	20th Aug.	Second reading negatived.—4th Sept., 1867.
31	Public Library Bill	Message from Legislative Assembly	20th Aug.	20th Aug.	22nd Aug.	29th Aug.	Lapsed.
32	Boroughs, Shires, and Road Districts Law Amendment Bill	Message from Legislative Assembly	20th Aug.	20th Aug.	22nd Aug.	29th Aug.	29th Aug.	3rd Sept.	3rd Sept.	4th Sept.	4th Sept.	4th Sept.	4th Sept.	..	5th Sept.	5th Sept.	..	..	6th Sept.	10th Sept.	CCCXXIII.
33	Mining Companies Limited Liability Act Amendment Bill	Message from Legislative Assembly	20th Aug.	20th Aug.	22nd Aug.	29th Aug.	29th Aug.	..	..	3rd Sept.	3rd Sept.	3rd Sept.	3rd Sept.	..	5th Sept.	5th Sept.	..	..	6th Sept.	10th Sept.	CCCXXIV.
34	Consolidated Revenue Bill (3)	Message from Legislative Assembly	3rd Sept.	3rd Sept.	5th Sept.	5th Sept.	5th Sept.	..	..	5th Sept.	5th Sept.	5th Sept.	..	..	..	..	..	..	6th Sept.	6th Sept.	CCCXXII.
35	Expiring Law Continuation Bill	Message from Legislative Assembly	3rd Sept.	3rd Sept.	4th Sept.	4th Sept.	4th Sept.	..	..	4th Sept.	4th Sept.	4th Sept.	..	..	..	..	..	..	6th Sept.	10th Sept.	CCCXX.

RECAPITULATION.

Bills initiated during the Session	35
Passed and Assented to	23
Not returned from Legislative Assembly	1
Lapsed	5
Disposed of on question "this day six months"	1
Order of Day discharged Paper	2
Lost on motion for Second Reading	2
Referred to Select Committee	1
	35

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 17TH JANUARY, 1867.

His Excellency the Governor having, by Proclamation, bearing date at Melbourne, the seven-
teenth day of December, One thousand eight hundred and sixty-six, 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 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 it is expedient
to prorogue the said Council and Assembly called the Parliament of Victoria, and to fix a time
for holding the next Session thereof : Now therefore I, the Governor of Victoria, in exercise of
the power conferred by the said Act, do by this my Proclamation prorogue the said Council and
Assembly or Parliament of Victoria from Friday, the twenty-first day of December instant,
until Thursday, the seventeenth day of January in the ensuing year ; and I do hereby fix
Thursday, the seventeenth day of January aforesaid, as the time for the commencement and
holding of the next Session thereof for the despatch of business, at two of the clock in the
afternoon, in the Parliament Houses, situate in Parliament Place, Spring Street, in the City of
Melbourne ; and the Honorable the Members of the Legislative Council and the Members of
the Legislative Assembly are hereby required to give their attendance at the said time and
place accordingly.

Given under my hand and the Seal of the Colony, at Melbourne, this seventeenth day of
December, in the year of our Lord One thousand eight hundred and sixty-six, and
in the thirtieth 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 have called you together to deal with the legislative requirements of the year,
and to consider measures of importance to the country which are ready to be submitted
to you.

On this the occasion of my first meeting Parliament it is highly satisfactory to
me to be able to congratulate you on the abundance of our harvest and the general
prosperity of the country.

You will be glad to learn that the mission to Her Majesty's Imperial Government
with which the Treasurer was charged has been successful. A report of Mr. Verdon's
proceedings will be immediately submitted to you.

The sale of the Victorian debentures in London has facilitated the progress of the
Water Works already undertaken ; and our financial credit and the high position of our
securities, together with the continued prosperity of our Railways, will, at no distant

period, justify an extended Railway system and the further extension of Water Supply. With that view the necessary preliminary surveys will be continued.

I am happy to inform you that representatives of the Government of New South Wales and of my Government, in conference assembled, have agreed to an arrangement on the Border Duties effectually removing those serious hindrances to internal communication which have so long been a just cause of complaint. The result of these negotiations will be laid before you.

The success which has attended the Intercolonial Exhibition has exceeded expectation, and we are entitled to believe that the increased knowledge which we have acquired of our productive powers will be scarcely less valuable than the proof of our great industrial capabilities which our contributions to the Paris Exhibition will make manifest to the world.

The generous help given us by the other Australasian colonies and New Caledonia and Java in this great industrial undertaking, will be productive of that increase of knowledge and intercourse so essential to mutual progress.

During the recess I appointed a Royal Commission to consider and report on the working of the Common Schools Act. The Commissioners have assiduously prosecuted their labors, and have collected much valuable evidence. Their report will be laid before you, and you will be invited to consider an amendment of the Law with reference to Public Instruction.

An inquiry has also been instituted by means of a Royal Commission into the working of the Wine and Spirits Act, and the result of their labors will be submitted to you.

Measures so immediately connected with the social and material condition of the people will, no doubt, receive from you the fullest consideration.

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The Estimates have been prepared with as much economy as the efficiency of the public service will admit.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I am happy to inform you that, under the Amending Land Act, a large amount of settlement has taken place throughout the country during the past year. A report on the working of the Act will be immediately laid before you, and a measure will be proposed for the purpose of making the land more accessible to the *bona fide* applicant.

Your attention will be directed to the subject of Mining on Private Property and Public Reserves, with a view to legislation thereon.

My attention has been directed to various questions connected with the administration of justice, and a Bill will be submitted for amending the Law of Insolvency. Bills will also be introduced for the amendment of the law relating to Public Health, the treatment of Lunatics and the management of their estates, the collection of court fees, and duties on legacies and succession, also for amending the laws relating to Banking, to the Police Force, and to Mining Companies.

Experience has suggested some amendments in the Municipal and Local Government Acts, and Bills will be submitted to you on these subjects ; also a Bill to improve the law in reference to Fencing and Impounding.

I trust that, with the blessing of Divine Providence, your deliberations will conduce to the prosperity and the happiness of the people.

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.

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

The Honorable James Ford Strachan, for the Western Province (in room of the Honorable Henry Miller).

The Honorable James Graham, for the Central Province (in room of the Honorable William Hull, retired by rotation).

The Honorable John Sherwin, for the South Province (in room of the Honorable William Taylor, retired by rotation).

The Honorable George Rolfe, for the South-Western Province (in room of the Honorable James Ford Strachan, resigned).

The Honorable Stephen George Henty, for the Western Province (re-elected after retirement by rotation).

The Honorable Alexander Fraser, for the North-Western Province (re-elected after retirement by rotation).

The Honorable Robert Stirling Anderson, for the Eastern Province (re-elected after retirement by rotation).

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

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

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

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

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

(L.S.)

HENRY BARKLY.

By His Excellency's Command,
J. MOORE.

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

(L.S.)

J. MOORE.

The Honorables Stephen George Henty, James Graham, John Sherwin, Alexander Fraser, Robert Stirling Anderson, and George Rolfe, being severally introduced, took and subscribed the Oath of Allegiance provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Constitution Act, as hereunder set forth:—

“I, STEPHEN GEORGE HENTY, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full value of Five thousand pounds, sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Portland, in the county or reputed county of Normanby, the descriptions of which lands and tenements are as follow:—Town allotments situated upon blocks Nos. 3 and 4, in the township of Portland, upon which are erected the general stores, wool stores, and bonded stores now occupied by S. G. Henty and Co., residences of myself, Dr. Brewer, Brown, Dahl, Thurman, Smith, and others. And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“S. G. HENTY.”

“I, JAMES GRAHAM, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full value of Five thousand pounds, sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Melbourne, in the county or reputed county of Bourke, the descriptions of which lands and tenements are as follow: Allotments Nos. 11 and 12, each half an acre, and a portion of allotment No. 10 of section No. 11, in the city of Melbourne, having frontages to Bourke, Russell, and Little Collins streets, together with the several buildings erected thereon. And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“JAS. GRAHAM.”

“I, JOHN SHERWIN, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the clear value of Five thousand pounds, sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Merriang and Wood-

stock, in the county or reputed county of Bourke, the descriptions of which lands and tenements are as follow :—The property known as the Braemore Estate, consisting of six thousand acres, more or less. And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“JOHN SHERWIN.”

“I, ALEXANDER FRASER, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Five thousand pounds, sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of Prahran, in the county or reputed county of Bourke, the descriptions of which lands and tenements are as follow :—No. 1, part of allotment No. 139 H, parish of Prahran, county of Bourke, having a frontage of 100 feet to Alma street by a depth of 300 feet to Chapel street, with the dwelling-house and other buildings thereon erected, being in my own occupation ; No. 2, part of allotment No. 139 H, parish of Prahran, county of Bourke, having a frontage of (95) ninety-five feet to Chapel street by a depth of 200 feet, with improvements thereon ; No. 3, part of allotment No. 139 H, parish of Prahran, county of Bourke, having a frontage of 275 feet to Chapel street by a depth or frontage of 200 feet to Argyle street, with improvements thereon. And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“ALEX. FRASER.”

“I, ROBERT STIRLING ANDERSON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria, of the value of Five thousand pounds, sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parishes of South Melbourne, Holden, and Boroondara, in the county of Bourke ; the parish of Powlett, county unnamed ; the parish of Kyneton, in the county of Dalhousie ; and the parish of Paywit, in the county of Grant ; the descriptions of which lands and tenements are as follow :—Allotment eighteen of section two in the parish of South Melbourne, at Emerald Hill, with the buildings and erections thereon ; allotments one, two, and three in the parish of Holden, at Sunbury, in the county of Bourke ; part of portion eighty-one in the parish of Boroondara, at Kew, with the dwelling-houses, buildings, and erections thereon ; one undivided moiety or half-part of allotment two, subdivision A ; allotment one, subdivision A ; allotment one, subdivision B ; allotment two, subdivision B ; portions nine and eleven and section B, in the parish of Powlett, in a county unnamed ; allotments nine and ten of section thirty-three at Kyneton, in the parish of Kyneton, and county of Dalhousie, with the erections thereon ; and part of allotment three of section two at Queenscliff, in the parish of Paywit, in the county of Grant. And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“ROBERT S. ANDERSON.”

“I, GEORGE ROLFE, the elder, of Bourke street west, in the city of Melbourne, and of Carlisle street, St. Kilda, in the Colony of Victoria, merchant, do solemnly and sincerely declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Five thousand pounds, sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the city of Melbourne, in the county of Bourke, the parish of Laanecoorie, in a county unnamed, and the parish of Prahran, in the said county of Bourke, the descriptions of which lands and tenements are as follow :—Piece of land situate in the city of Melbourne, in the county of Bourke, in the Colony of Victoria, being part of allotment numbered fourteen of section number fourteen, bounded on the south by other part of said allotment number fourteen, now or lately belonging to one T. Clarke, and now or late in the occupation of Henry Box, north sixty-two degrees, east one hundred links ; on the east by part of number thirteen allotment, north twenty-eight degrees, west two hundred and thirty-seven and a half links ; on the north by Bourke street, south sixty-two degrees, west one hundred links ; and on the west by part number fifteen allotment, south twenty-eight degrees, east two hundred and thirty-seven and a half links, with the buildings and other improvements thereon : Piece or parcel of land in the Colony of Victoria, containing one hundred and fifty-one acres one rood and twenty-four perches, or thereabouts, situate in the parish of Laanecoorie, in a county unnamed, being allotment four of section sixteen, and bounded on the north by allotment one bearing east forty chains, on the east by allotment three bearing south thirty-seven chains eighty-five links, on the south by a line bearing west forty chains, and on the west by a road one chain wide, bearing north thirty-seven chains eighty-five

links, with all buildings and improvements thereon: Piece or parcel of land in the Colony of Victoria, containing by admeasurement three acres and twenty perches or thereabouts, situate in the county of Bourke, parish of Prahran, portion one hundred and sixty-six A, bounded on the north by a road one chain wide bearing east three chains eight links, on the east by portion one hundred and sixty-six B, by south ten chains sixteen links; on the south by portion one hundred and sixty-seven A, bearing west three chains eight links, and on the west by a road one chain wide, bearing north ten chains sixteen links, with all buildings and improvements thereon: Piece of land in the Colony of Victoria, containing three acres and twenty perches, or thereabouts, situated in the county of Bourke, parish of Prahran, portion one hundred and sixty-seven A, bounded on the north by portion one hundred and sixty-six A, bearing east three chains eight links; on the east by portion one hundred and sixty-seven B, bearing south ten chains sixteen links; on the south by a road one chain wide, bearing west three chains eight links, and on the west by a road one chain wide, bearing north ten chains sixteen links, with the buildings and other improvements thereon. And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“GEORGE ROLFE.”

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

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

1. Manufactures and Industries, New. Report of Board (19th June, 1866).
2. Pilot Board, Accounts of, 1865.
3. Manufactures and Industries, New. Additional Report of Board (4th September, 1866).

Ordered severally to lie on the Table.

PRIVILEGES OF PARLIAMENT BILL.—The Honorable G. W. Cole, with leave of the Council, moved, without notice, for leave to introduce a Bill to protect 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.

ADDRESS OF CONGRATULATION TO THE GOVERNOR ON ASSUMING OFFICE.—The Honorable G. W. Cole, with leave of the Council, moved, without notice, That an Address be presented to His Excellency the Honorable Sir John Henry Thomas Manners Sutton, K.C.B., on his appointment as Governor of Victoria, and that a Committee be appointed to prepare such Address, to consist of the Honorables A. Fraser, R. Turnbull, C. J. Jenner, C. Sladen, and the Mover.

Question—put and passed.

The House was adjourned during pleasure, in order that the Select Committee might prepare the Address.

The President having resumed the Chair, the Honorable G. W. Cole, as Chairman of the Committee, 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, desire to convey to Your Excellency the expression of our loyalty to Her Majesty's Throne, our affection for Her person, and our regard for the high office Her Majesty has been pleased to confer upon Your Excellency.

We beg that Your Excellency will receive our assurance that we shall at all times readily co-operate with Your Excellency in advancing the welfare of this part of Her Majesty's dominions.

The Honorable G. W. Cole moved, That the Address be now adopted.

Question—put and passed.

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

Question—put and passed.

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

Question—put and passed.

The Council adjourned at a quarter to three o'clock until four o'clock on Friday, the 18th instant.

NOTICES OF MOTION.

FRIDAY, 18TH JANUARY, 1867.

NOTICES OF MOTION :—

1. The Hon. G. W. COLE : To move for leave to introduce a Bill to amend the law relating to Volunteers.
2. 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 Wednesday in each week during the present Session the transaction of Government business take precedence of all other business.
3. 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.
4. The Hon. G. W. COLE : To move, That the Honorables the President, J. Henty, C. Sladen, J. Graham, J. P. Bear, G. Rolfe, and T. T. a'Beckett, be members of the Joint Committee of both Houses to manage the Library.
5. The Hon. G. W. COLE : To move, That the Honorables J. P. Fawkner, W. Campbell, C. J. Jenner, J. McCrae, and J. Lowe, be appointed a Printing Committee, and that Papers presented to the House be referred to the said Committee for report.
6. 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.
7. 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.
8. The Hon. G. ROLFE : To move, That a Select Committee be appointed to prepare an Address to His Excellency the Governor, in reply to his Speech delivered to the Parliament ; and that such Committee consist of the Honorables A. Fraser, C. Sladen, C. J. Jenner, T. T. a'Beckett, J. McCrae, W. Campbell, and the Mover.
9. The Hon. T. H. FELLOWS : To move, The insertion in the Address in reply to the Speech of the Governor of a clause in reply to the fifth paragraph of His Excellency's Speech, expressing the regret of the Council that His Excellency has not been advised to make any allusion to the duties of Customs which are still due upon certain goods entered for home consumption in the year 1865, submitting that the laws and constitution of this country imperatively demand that taxes of all kinds must be collected by the Executive unless remitted by the legislative authority ; and praying His Excellency to take such measures as may seem fit for securing the enforcement of the law, and the collection of the duties referred to.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 18TH JANUARY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADJOURNMENT.—The Honorable G. W. Cole moved, That the Council do now adjourn until four o'clock on Wednesday next, as a mark of respect for the memory of the Honorable John Lowe, deceased.

Question—put and passed.

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

NOTICES OF MOTION.

WEDNESDAY, 23RD JANUARY, 1867.

NOTICES OF MOTION :—

1. The Hon. G. W. COLE : To move for leave to introduce a Bill to amend the law relating to Volunteers.
2. 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 Wednesday in each week during the present Session the transaction of Government business take precedence of all other business.
3. 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.
4. The Hon. G. W. COLE : To move, That the Honorables the President, J. Henty, C. Sladen, J. Graham, J. P. Bear, ~~G. Rolfe~~, and ~~T. T. a'Beckett~~, be members of the Joint Committee of both Houses to manage the Library.
5. The Hon. G. W. COLE : To move, That the Honorables J. P. Fawcner, W. Campbell, C. J. Jenner, J. McCrae, and ~~J. Lowe~~, be appointed a Printing Committee, and that Papers presented to the House be referred to the said Committee for report.
6. 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.
7. 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.
8. The Hon. G. ROLFE : To move, That a Select Committee be appointed to prepare an Address to His Excellency the Governor, in reply to his Speech delivered to the Parliament ; and that such Committee consist of the Honorables A. Fraser, C. Sladen, C. J. Jenner, T. T. a'Beckett, J. McCrae, W. Campbell, and the Mover.
9. The Hon. T. H. FELLOWS : To move, The insertion in the Address in reply to the Speech of the Governor of a clause in reply to the fifth paragraph of His Excellency's Speech, expressing the regret of the Council that His Excellency has not been advised to make any allusion to the duties of Customs which are still due upon certain goods entered for home consumption in the year 1865, submitting that the laws and constitution of this country imperatively demand that taxes of all kinds must be collected by the Executive unless remitted by the legislative authority ; and praying His Excellency to take such measures as may seem fit for securing the enforcement of the law, and the collection of the duties referred to.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 23RD JANUARY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

WRIT—ISSUE OF.—SOUTH-WESTERN PROVINCE.—The President informed the Council that a communication had been received from the Private Secretary of His Excellency the Governor, intimating that His Excellency has issued a Writ, returnable on the 20th February next, for the election of a Member for the South-Western Province, in the room of the Honorable John Lowe, deceased.

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 of 1856*," I do hereby appoint—

The Honorable Robert Stirling Anderson,
The Honorable John Pinney Bear,
The Honorable Nicholas Fitzgerald,
The Honorable Alexander Fraser,
The Honorable James Graham,
The Honorable John Sherwin,
The Honorable Charles Sladen,

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

Given under my hand this twenty-third day of January, 1867.

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

TRANSFER OF REAL ESTATE BILL (2ND SESSION, 1866).—The President informed the Council that he had received a communication from the Clerk of the Parliaments reporting that, at the close of the preceding session, the word "shall" was erroneously included instead of the word "may" in the Bill to simplify the title to and the dealing with Estates in Land.

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

1. Statistics of Victoria, 1865.
2. Volunteer Force Regulations.
3. Accounts, Public (15th June, 1866, 26th June, 1866, 26th July, 1866, 1st October, 1866).
4. Agricultural and Live Stock Statistics for year ending 31st March, 1866.
5. Civil Establishment of Victoria for year 1865.
6. Quarantine, Return of Vessels in, 1864, and Report on Sanatory Station for year 1865.
7. Education, Regulations of General Board of (28th May, 1866, 3rd July, 1866, 17th September, 1866).
8. Savings Banks, Statements and Returns, for year ending 30th June, 1866.
9. University of Melbourne Report, for year ending 31st May, 1866.
10. Industrial Schools New Dietary Scale.
11. Criminal Statistics, 1865.
12. Agriculture, Board of—Seventh Annual Report.

Ordered severally to lie on the Table.

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

1. County Court Regulations ; for Dandenong, 1st October, 1866.
2. Fees in County Courts (Reg.), 18th June, 1866.
3. Fees in Courts of Mines (Reg.), 18th June, 1866.
4. Wardens, General Rules for proceedings before.
5. Courts of Mines, General Rule for (24th December, 1866).

Ordered severally to lie on the Table.

TAXED COSTS, PETITIONERS IN ACTIONS AGAINST THE CROWN.—The Honorable G. W. Cole laid on the Table a Return to the Order of the Council made on the 15th March, 1866.

VOLUNTEER LAW AMENDMENT BILL.—The Honorable G. W. Cole, in accordance with notice, moved for leave to introduce a Bill to amend the law relating to Volunteers.

Question—put and passed.

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

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

Question—put and passed.

STANDING ORDERS SELECT COMMITTEE.—The Honorable G. W. Cole moved, in accordance with notice, 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.

Question—put and passed.

LIBRARY (JOINT) COMMITTEE.—The Honorable G. W. Cole moved, in accordance with *amended* notice, 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.

Question—put and passed.

PRINTING COMMITTEE.—The Honorable G. W. Cole moved, in accordance with *amended* notice, 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.

Question—put and passed.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—The Honorable G. W. Cole moved, in accordance with notice, 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.

Question—put and passed.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—The Honorable G. W. Cole moved, in accordance with notice, That the Honorables the President, W. Degraives, R. S. Anderson, R. Turnbull, and the Mover, be members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

Question—put and passed.

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

1. Uncollected Customs Duties.—Report of Royal Commission (17th January, 1867).
2. Colonial Defences.—Report of Mr. Verdon's Proceedings as the Delegate of Victoria to Her Majesty's Government.

Ordered severally to lie on the Table.

ADDRESS IN REPLY TO GOVERNOR'S SPEECH.—The Honorable G. Rolfe moved, in accordance with notice, That a Select Committee be appointed to prepare an Address to His Excellency the Governor, in reply to his Speech delivered to the Parliament ; and that such Committee consist of the Honorables A. Fraser, C. Sladen, C. J. Jenner, T. T. a'Beckett, J. McCrae, W. Campbell, and the Mover.

Debate ensued.

Question—put and passed.

The House was adjourned during pleasure, in order that the Select Committee might prepare the Address.

The President having resumed the Chair, the Honorable G. Rolfe, as Chairman of the Committee, 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, assure Your Excellency that we learn with much satisfaction that your Excellency is able to congratulate us on the abundance of our harvest and the general prosperity of the country.

We are glad to learn that the mission to Her Majesty's Imperial Government with which the Treasurer was charged has been successful, and inform Your Excellency that we shall peruse with interest the report of Mr. Verdon's proceedings which has just been submitted to us.

We are glad to learn that the sale of the Victorian debentures in London has facilitated the progress of the Water Works already undertaken, and that our financial credit and the high position of our securities, together with the continued prosperity of our railways, will, at no distant period, justify an extended railway system and the further extension of Water supply; and that with this view the necessary preliminary surveys will be continued.

It affords us much satisfaction to be informed that representatives of the Government of New South Wales and of Your Excellency's Government, in conference assembled, have agreed to an arrangement on the Border Duties, effectually removing those serious hindrances to internal communication which have so long been a just cause of complaint; and we are glad to learn that the result of these negotiations will be laid before us.

We feel that the success which has attended the Intercolonial Exhibition has exceeded expectation; and we concur with Your Excellency in believing that the increased knowledge which we have acquired of our productive powers will be scarcely less valuable than the proof of our great industrial capabilities which our contributions to the Paris Exhibition will make manifest to the world.

We express our full concurrence in the opinion of Your Excellency, that the generous help given us by the other Australasian Colonies and New Caledonia and Java in this great industrial undertaking, will be productive of that increase of knowledge and intercourse so essential to mutual progress.

We thank Your Excellency for having, during the recess, appointed a Royal Commission to consider and report on the working of the Common Schools Act, and for informing us that the Commissioners have assiduously prosecuted their labors, and have collected much valuable evidence. We are glad to learn that their Report will be laid before us, and assure Your Excellency that we shall carefully consider the proposed amendment of the law with reference to public instruction.

We thank Your Excellency for acquainting us that an enquiry has also been instituted by means of a Royal Commission into the working of the Wine and Spirits Act, and that the result of their labors will be submitted to us.

We assure Your Excellency that measures so immediately connected with the social and material condition of the people will receive from us the fullest consideration.

We are happy to learn that, under the Amending Land Act, a large amount of settlement has taken place throughout the country during the past year; we shall be glad to receive the report on the working of the Act; and the measure to be proposed for the purpose of making the land more accessible to the *bonâ fide* applicant will have our careful consideration.

Our best attention will be given to the subject of mining on private property and public reserves, with a view to legislation thereon.

We shall devote ourselves to the consideration of the Bills to be submitted to us for amending the law of insolvency, for the amendment of the law relating to public health, the treatment of lunatics and the management of their estates, the collection of court fees, and duties on legacies and succession, also for amending the laws relating to banking, to the police force, and to mining companies.

We shall give our careful consideration to the Bills to be submitted to us for amendments in the Municipal and Local Government Acts which experience has suggested; also to the Bill to improve the law in reference to fencing and impounding; and we trust that, with the blessing of Divine Providence, our deliberations will conduce to the prosperity and the happiness of the people.

The Honorable G. Rolfe moved, That the Address be now adopted.

Question—put and passed.

Ordered—That the Address be presented to His Excellency the Governor by the President, and such Members as may desire to accompany him.

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

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 Tuesday next.

Question—put and passed.

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

NOTICE OF MOTION.

TUESDAY, 29TH JANUARY, 1867.

NOTICE OF MOTION :—

1. The Hon. H. M. MURPHY : To move—

- (1.) For a Return, showing what proportion of the £35,000 and over, due on account of unpaid duties upon tea, sugar, opium, and gold, and secured by bonds, has been collected ; the amounts still uncollected ; the reasons thereof, and the names of the non-paying principals and their garnishees.
- (2.) For a Return, showing the amount, if any, collected of the £65,000 and over of unpaid duties upon tea, sugar, opium, and gold, for which no bonds were taken by the Customs authorities ; the amount still uncollected, and the steps taken to recover the same.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 29TH JANUARY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

REPLY TO ADDRESS OF CONGRATULATION TO THE GOVERNOR ON ASSUMING OFFICE.—The President announced to the Council that the Address of Congratulation to His Excellency the Governor on his assumption of office had been presented by the President and other Members of the House, and that His Excellency had been pleased to make thereto the following Reply :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

I thank you cordially for this Address. I rely with complete confidence on your undoubted loyalty to our Queen ; and, entering upon the duties of the high office which Her Majesty has been pleased to confer upon me, I receive with sincere gratification the assurance of your ready co-operation for the advancement of the welfare of this part of Her Majesty's dominions.

J. H. T. MANNERS SUTTON.

Government Offices,
Melbourne, 24th January, 1867.

ADDRESS IN REPLY TO GOVERNOR'S SPEECH.—The President announced to the Council that the Address to His Excellency the Governor, in reply to his speech delivered to the Parliament, had been presented by the President and other Members of the Council, and that His Excellency had been pleased to make thereto the following Reply :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

I receive with much satisfaction this Address.

I rely with confidence on your careful consideration of the measures which will be submitted to you, and on your desire to promote the general prosperity of the people.

J. H. T. MANNERS SUTTON.

Government Offices,
Melbourne, 24th January, 1867.

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

SWEARING IN OF NEW MEMBER.—The Honorable J. F. Strachan being introduced, took and subscribed the Oath of Allegiance provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Constitution Act, as hereunder set forth :—

“ I, JAMES F. STRACHAN, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Five thousand pounds, sterling money, above all charges and incumbrances affecting the same : And further, that the lands or tenements out of which such qualification arises are situate in the county of Grenville, the descriptions of which lands and tenements are as follow :—Five thousand acres of land situated in the parish of Gellibrand and Turkeith, in the county or reputed county of Grenville, and known as the ‘Mount Gellibrand Estate’ : And I further declare, that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“ JAMES F. STRACHAN.”

PAPER.—The Honorable G. W. Cole laid on the Table the following Paper :—
Trade and Customs.—Accounts (1865).

Ordered to lie on the Table.

UNPAID DUTIES UPON TEA, SUGAR, OPIUM, AND GOLD.—The Honorable H. M. Murphy, in accordance with *amended* notice, moved, That a Return be laid upon the Table of the House, showing—

- (1.) What proportion of the £35,000 and over, due on account of unpaid duties upon tea, sugar, opium, and gold, and secured by bonds, has been collected; the amounts still uncollected; the reasons thereof; and the names of the non-paying principals and their garnishees.
- (2.) The amount, if any, collected of the £61,000 and over, of unpaid duties upon tea, sugar, opium, and gold, for which no bonds were taken by the Customs authorities; the amount still uncollected, and the steps taken to recover the same.

Debate ensued.

Question—put and passed.

UNPAID DUTIES UPON TEA, SUGAR, OPIUM, AND GOLD.—The Honorable G. W. Cole laid on the Table a Return to the Order of the Council made this day.

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 five o'clock until four o'clock on Tuesday, the 5th proximo.

NOTICES OF MOTION.

TUESDAY, 5TH FEBRUARY, 1867.

1. The Hon. J. P. FAWKNER: To ask the Honorable Member representing the Government—
 - (1.) Whether there are any set rules for licensing lotteries, if so, what are these rules?
 - (2.) Whether Messrs. Hoskins and Simmonds, or either of them, applied for a licence or permission to hold a lottery of pictures, a kind of (so called) art union.
 - (3.) If so, under what terms or conditions did they advertise such lottery?
 - (4.) If any conditions or propositions were made in writing, what are they?
 - (5.) If these lottery holders fail in drawing the tickets so as to award the prizes, are they punishable? or are the whole of the promoters of the lottery, the committee, answerable for the money they have obtained from the persons taking shares in the above lottery?
 - (6.) Had the Attorney-General any proof that the prizes announced were ready for the drawing of the lottery, or whether they were of the value set down, namely, £1000?
2. The Hon. W. HIGHETT: To ask the Honorable Member representing the Government by what authority ratepayers who are supplied with water by measure, and who have not been able to get a sufficient supply, are sometimes charged in excess of the quantity shown by meter to have been consumed.

NOTICES OF MOTION :—

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

Contingent:—

That the Select Committee consist of the Honorables T. T. a'Beckett, J. F. Strachan, C. Sladen, A. Fraser, T. H. Fellows, W. Degraives, H. M. Murphy, J. P. Fawkner, W. Highett, and the Mover.

2. The Hon. G. W. COLE: To move, That a Select Committee be appointed to prepare an Address to Her Most Gracious Majesty, thanking Her Majesty for the generous recognition by Her Majesty's Government of the claims of this colony in regard to its defences; and that such Committee consist of the Honorables A. Fraser, R. S. Anderson, G. Rolfe, W. Highett, C. J. Jenner, T. T. a'Beckett, W. H. F. Mitchell, and the Mover.
3. The Hon. G. W. COLE: To move, That a Select Committee be appointed to prepare an Address to the Honorable Brigadier-General George Jackson Carey, C.B., expressing the sense entertained by this House of his administration of the affairs of the Colony during the period he filled the high position of Officer Administering the Government; and that such Committee consist of the Honorables T. T. a'Beckett, C. Sladen, G. Rolfe, W. Campbell, W. H. F. Mitchell, C. J. Jenner, J. McCrae, and J. Graham.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 5TH FEBRUARY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

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

1. Land Act 1862, and Amending Land Act 1865—Report of Proceedings under (29th January, 1867).
2. Health, Central Board of.—Eleventh Annual Report.
3. Education, Public, Report of Commission (29th January, 1867).

Ordered severally to lie on the Table.

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

Question—put and passed.

The Honorable W. H. F. Mitchell, in accordance with notice, moved, That the Select Committee consist of the Honorables T. T. a'Beckett, J. F. Strachan, C. Sladen, A. Fraser, T. H. Fellows, W. Degraives, H. M. Murphy, J. P. Fawcner, W. Highett, and the Mover.

Debate ensued.

Question—put and passed.

DUTIES ON GOODS EX "QUEEN OF THE MERSEY."—The Honorable R. S. Anderson, with leave of the Council, moved, without notice, That copies of all orders, memoranda, and correspondence, regarding the payment of duty, last year, upon certain cases of furniture, ex *Queen of the Mersey*, by Messrs. Wallach Brothers, be laid on the Table of the House.

Question—put and passed.

ADDRESS TO THE HONORABLE BRIGADIER-GENERAL G. J. CAREY, C.B.—The Honorable G. W. Cole, in accordance with *amended* notice, moved, That a Select Committee be appointed to prepare an Address to the Honorable Brigadier-General George Jackson Carey, C.B., expressing the sense entertained by this House of his administration of the affairs of the Colony during the period he filled the high position of Officer Administering the Government; and that such Committee consist of the Honorables T. T. a'Beckett, C. Sladen, G. Rolfe, W. Campbell, W. H. F. Mitchell, C. J. Jenner, J. McCrae, J. Graham, and the Mover.

Question—put and passed.

The House was adjourned during pleasure, in order that the Select Committee might prepare the Address.

The President having resumed the Chair, the Honorable G. W. Cole, as Chairman of the Committee, brought up the Address prepared by the Committee.

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

To the Honorable Brigadier-General GEORGE JACKSON CAREY, C.B., &c., &c., &c.

SIR,

We, the Members of the Legislative Council of Victoria, desire to express to you the high sense we entertain of your able and judicious administration of the affairs of this Colony during the period you filled the high position of Officer Administering the Government.

We trust that you may long be spared to do honor to the profession of which you are so distinguished a member.

The Honorable G. W. Cole moved, That the Address be now adopted.

Question—put and passed.

The Honorable G. W. Cole moved, That the Address be presented to the Honorable Brigadier-General G. J. Carey, C.B., by the President.

Question—put and passed.

The Honorable G. W. Cole moved, That a copy of the Address be sent to His Excellency the Governor, with an Address praying that His Excellency will be pleased to transmit it to the Right Honorable the Secretary of State for the Colonies, with a view to its being conveyed to the Commander-in-Chief.

Question—put and passed.

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

MR. PRESIDENT :

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "*An Act to legalise and make valid certain Insolvencies and Proceedings in Insolvency under the Insolvency Statute 1865,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 5th February, 1867.

INSOLVENCY VALIDITY 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.

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

The President left the Chair.

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

The Honorable G. W. Cole moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Chairman of Committees having reported that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable 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 to legalise and make valid certain Insolvencies and Proceedings in Insolvency under the Insolvency Statute 1865.*"

Question—put and passed.

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

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

1. Mining Statute 1865.—Orders in Council under (24th December, 1866).
2. Courts of Mines—Sale—and Mining District of Gipps Land.—Order in Council (21st January, 1867).
3. Auriferous and Mineral Lands and Water-right Licences.—Deposits under Regulations relating to Leases.—Order in Council (21st January, 1867).
4. Water-right Licences, &c.—Amending Regulations (20th August, 1866).

Ordered severally to lie on the Table.

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 past five o'clock until four o'clock on Tuesday, the 12th instant.

NOTICES OF MOTION.

TUESDAY, 12TH FEBRUARY, 1867.

1. The Hon. J. P. FAWKNER: To ask the Honorable Member representing the Government, Whether the Attorney-General—who, by his answer to a question put in the House on the 5th instant, on the permission given to Messrs. Hoskins and Simmonds, declares that he did grant leave to receive Monies for Lottery Tickets, from March, 1866, to October, 1866—will compel these lottery office keepers to refund the money thus obtained under the cover of that officer's authority, not only from the colonists of Victoria, but also of the sister colonies.

NOTICE OF MOTION :—

1. The Hon. G. W. COLE: To move, That a Select Committee be appointed to prepare an Address to Her Most Gracious Majesty, thanking Her Majesty for the generous recognition by Her Majesty's Government of the claims of this colony in regard to its defences; and that such Committee consist of the Honorables A. Fraser, R. S. Anderson, G. Rolfe, W. Highett, C. J. Jenner, T. T. a'Beckett, W. H. F. Mitchell, and the Mover.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 12TH FEBRUARY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

NEW MEMBER.—SOUTH-WESTERN PROVINCE.—The President announced to the Council that the writ for election of a Member of the Legislative Council for the South-Western Province had been returned to His Excellency the Governor, and had been transmitted to the custody of the Clerk of the Council, showing that the Honorable Thomas Learmonth was duly elected.

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

1. Mining Surveyors' and Registrars' Reports (quarters ending 30th September, 1866, and 31st December, 1866).
2. Water Supply—Barker's Creek—Lands reserved for.—Order in Council (28th January, 1867).
3. Beechworth Mining District—Polling Places for Yackandandah Division of.—Order in Council (21st January, 1867).

Ordered severally to lie on the Table.

DUTIES ON GOODS EX "QUEEN OF THE MERSEY."—The Honorable G. W. Cole laid on the Table a Return to an Order of the Council made on the 5th instant.

DEFENCES OF THE COLONY.—ADDRESS TO HER MAJESTY.—The Honorable G. W. Cole, in accordance with notice, moved, That a Select Committee be appointed to prepare an Address to Her Most Gracious Majesty, thanking Her Majesty for the generous recognition by Her Majesty's Government of the claims of this colony in regard to its defences; and that such Committee consist of the Honorables A. Fraser, R. S. Anderson, G. Rolfe, W. Highett, C. J. Jenner, T. T. a'Beckett, W. H. F. Mitchell, and the Mover.

Question—put and passed.

The House was adjourned during pleasure, in order that the Select Committee might prepare the Address.

The President having resumed the Chair,

The Honorable G. W. Cole, as Chairman of the Committee, brought up the Address prepared by the Committee.

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

To Her Most Gracious Majesty the Queen.

MAY IT PLEASE YOUR MAJESTY,

We, Your Majesty's faithful subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, beg leave to approach Your Majesty with renewed assurances of our loyalty and affection.

We desire humbly, but heartily, to express to Your Majesty our thanks for the generous recognition by Your Majesty's Government of the claims of this Colony in regard to its defences against foreign aggression, and for the material assistance which Your Majesty has been advised to grant in that behalf.

We pray that God may long spare Your Majesty to reign over an united and loving people.

The Honorable G. W. Cole moved, That the Address be now adopted.

Question—put and passed.

The Honorable G. W. Cole moved, That an Address be sent to His Excellency the Governor, requesting that His Excellency will be pleased to transmit the Address to Her Majesty's Principal Secretary of State for the Colonies, for presentation to Her Most Gracious Majesty.

Question—put and passed.

ROYAL ASSENT TO BILLS.—The President announced to the Council that a communication had been received from the Private Secretary to His Excellency the Governor, intimating the intention of His Excellency to proceed to the Legislative Council Chamber on Tuesday, the 12th instant, to assent to certain Bills passed by the Legislative Council and Legislative Assembly.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, “*An Act to apply out of the Consolidated Revenue the sum of Ten thousand pounds to the service of the year One thousand eight hundred and sixty-six and Five hundred thousand pounds 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 Chambers,
Melbourne, 12th February, 1867.

CONSOLIDATED REVENUE BILL (1).—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.

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

The President left the Chair.

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

The Honorable G. W. Cole moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Chairman of Committees having reported that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable 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 to apply out of the Consolidated Revenue the sum of Ten thousand pounds to the service of the year One thousand eight hundred and sixty-six and Five hundred thousand pounds to the service of the year One thousand eight hundred and sixty-seven.*”

Question—put and passed.

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

ADJOURNMENT.—The Honorable 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.

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

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

“*An Act to legalise and make valid certain Insolvencies and Proceedings in Insolvency under the Insolvency Statute 1865.*”

“*An Act to apply out of the Consolidated Revenue the sum of Ten thousand pounds to the service of the year One thousand eight hundred and sixty-six and Five hundred thousand pounds to the service of the year One thousand eight hundred and sixty-seven.*”

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

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

“J. H. T. MANNERS SUTTON,
“Governor.”

The Clerk of the Parliaments delivered to Mr. Speaker a schedule of the Acts assented to. Mr. Speaker and the Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

The Council adjourned at twenty-five minutes to six o'clock until four o'clock on Tuesday, the 19th instant.

NOTICES OF MOTION.

TUESDAY, 19TH FEBRUARY, 1867.

The Hon. C. SLADEN: To ask the Honorable Member representing the Government:—

(1.) If the Government have had their attention drawn to the thistles luxuriating in the reserve round the Treasury buildings and printing office, and in the adjacent streets.

(2.) Whether the Government consider themselves responsible under the “*Thistle Prevention Statute 1865.*” And if not, to whom are the public to look for redress against the nuisance.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 19TH FEBRUARY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADDRESS TO THE HONORABLE BRIGADIER-GENERAL G. J. CAREY, C.B., ETC.—REPLY.—

The President announced to the Council that he had presented the Address to the Honorable Brigadier-General G. J. Carey, C.B., as adopted by the Council on the 5th instant, and that the Honorable Brigadier-General G. J. Carey, C.B., had made thereto the following reply :—

Brigade Head Quarters,
Melbourne, 13th February, 1867.

SIR,

It affords me great satisfaction to receive the address which you now present to me from the Legislative Council of Victoria.

I beg that you will do me the favor to convey to the honorable members of that House my grateful acknowledgments for the honor which they have conferred upon me, and for the complimentary and kind expressions with which they have been pleased to address me.

I have the honor to be,

Sir,

Your most obedient humble servant,

GEORGE JACKSON CAREY,

Brigadier-General, Commanding Troops, Australian Colonies.

PETITION.—SOUTH-WESTERN PROVINCE ELECTION.—The President laid on the Table a Petition signed by Robert Lewis, styling himself an elector for the South-Western Province, praying for a scrutiny into the votes taken at the South-Western Province Election; and that it may be determined that Thomas Learmonth, Esquire, was duly elected, and not the Honorable George Rolfe; and praying for such further or other relief as the circumstances of the case may require, or as may seem meet.

The Honorable H. M. Murphy moved, That the Petition be referred to the Committee of Elections and Qualifications.

Question—put and passed.

The Petition was read at the Table by the Clerk.

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

1. Schedule D, 18 and 19 Vict., cap. 55.—Statement of Expenditure 1865, and on account of 1866 to 31st December, 1866.
2. Tobin Yallock Swamp.—Conditions of proposed Lease to William Lyall.

Ordered severally to lie on the Table.

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 informs the Legislative Council that he will, with pleasure, transmit to the Secretary of State, with a view of its being conveyed to His Royal Highness the Commander-in-Chief, a Copy of the Address from the Legislative Council to the Honorable Brigadier-General Carey, C.B.

Government Offices,

Melbourne, February, 1867.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—PROGRESS REPORT.—The Honorable W. Highett brought up a Progress Report from the Joint Committee of both Houses to manage the Refreshment Rooms and Stables; as follows:—

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

That, in consequence of the representation of the Comptroller as to the insufficiency of the Water Supply to the Stables, it is recommended that a three-quarter inch pipe be fixed for the exclusive use of the stables.

The Honorable W. Highett, with leave of the Council, moved, without notice, That the Report of the Committee be now adopted.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have adopted the recommendation of the Committee.

IMPORTS, 1866.—VALUES, PACKAGE RATE, ETC.—The Honorable J. F. Strachan, with leave of the Council, moved, without notice, That there be laid upon the Table of this House a Return of the value of the following goods imported during the year 1866, the package rate charged, and the amount collected on the same respectively:—Boots and shoes, saddlery and harness, leather and leatherware, machinery, paper and stationery, drapery, carriages, hats and caps, musical instruments, haberdashery, furniture, hosiery, apparel and slops, jewellery, oilman's stores, millinery.

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 Tuesday next.

Question—put and passed.

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

NOTICE OF MOTION.

TUESDAY, 26TH FEBRUARY, 1867.

1. The Hon. J. P. FAWKNER: To ask the Honorable Member representing the Government, Whether the Honorable the Attorney-General has authorised, by giving permission, a Mr. T. Helme to advertise and hold a lottery or art union.—If so, whether any conditions have been imposed on Mr. Helme; and if so, what are the conditions?—are they to secure the public or not?

MEETINGS

OF

SELECT COMMITTEES.

Wednesday, 20th February.

CONSTITUTION—at half-past 2 o'clock.

Tuesday, 26th February.

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

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 26TH FEBRUARY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—In pursuance of "*The Electoral Act of 1856*," the President laid upon the Table the following Warrant appointing a member of the Committee of Elections and Qualifications, in room of the Honorable Charles Sladen, resigned :—

VICTORIA.

Pursuant to the provisions of "*The Victoria Electoral Act of 1856*," I do hereby appoint
The Honorable Henry Morgan Murphy
to be a member of "*The Committee of Elections and Qualifications*," in room of
The Honorable Charles Sladen,
who has addressed his resignation to me, in conformity with the provisions of the said Act.
Given under my hand this twenty-first day of February, 1867.

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

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 informs the Legislative Council that he will, with pleasure, transmit to the Secretary of State, for presentation to Her Majesty, the Address of the Legislative Council, thanking Her Majesty for the material assistance which Her Majesty has been advised to grant to this Colony in regard to the Defences of the Colony.

Government Offices,
Melbourne, 21st February, 1867.

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

Ararat Mining District—Polling Places for Barkly Division of.—Order in Council
(4th February, 1867).

Ordered to lie on the Table.

RATEPAYERS, RETURN OF.—The Honorable G. W. Cole laid on the Table a Return to an Order of the Council, made on the 13th March, 1866.

IMPORTS, 1866.—VALUES, PACKAGE RATE, ETC.—The Honorable G. W. Cole laid on the Table a Return to an Order of the Council, made on the 19th instant.

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

Question—put and passed.

The Council adjourned at half-past four o'clock until three o'clock on Wednesday, 27th instant.

MEETINGS
OF
SELECT COMMITTEES.

Wednesday, 27th February.

CONSTITUTION—at 2 o'clock.

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

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

VICTORIA.

No. 9.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 27TH FEBRUARY, 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 Council Table, for the second time, the Warrant appointing the Honorable H. M. Murphy to be a member of the Committee of Elections and Qualifications.

PAPER.—The Honorable G. W. Cole laid on the Table the following Paper :—
Ballarat Mining District—Polling Places for Divisions of.—Order in Council (18th February, 1867).
Ordered to lie on the Table.

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 past three o'clock until four o'clock on Tuesday, the 5th proximo.

MEETING

OF

SELECT COMMITTEE.

Tuesday, 5th March.

CONSTITUTION—at 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 10.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 5TH MARCH, 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 Council Table, for the third time, the Warrant appointing the Honorable H. M. Murphy to be a member of the Committee of Elections and Qualifications.

NOTICE FROM HONORABLE G. ROLFE.—The President laid on the Table a notice signed by the Honorable G. Rolfe, addressed to the President, and declaring that the Honorable G. Rolfe declines to defend his return for the South-Western Province.

PAPER.—The Honorable G. W. Cole laid on the Table the following Paper :—
Health Officer—Report of (Year ending 31st December, 1866).
Ordered to lie on the Table.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President appointed two o'clock on Wednesday, the 6th instant, in the South Committee Room, to be the time and place of the first meeting of the Committee of Elections and Qualifications.

The Council adjourned at half-past four o'clock until four o'clock on Wednesday, the 6th instant.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 6th March.

ELECTIONS AND QUALIFICATIONS—at 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 6TH MARCH, 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 Operations authorized on Exempted Lands.—Conditions (18th February, 1867).

RATEPAYERS, RETURN OF.—The Honorable W. Highett, with leave of the Council, moved, without notice, That the Return laid on the Table of the House on the 26th ultimo be printed.

Question—put and passed.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—MEMBERS SWORN.—The following Members of the Elections and Qualifications Committee were sworn at the Table by the Clerk in the manner prescribed by the Electoral Act of 1865 :—

The Honorable Robert Stirling Anderson,
The Honorable Nicholas Fitzgerald,
The Honorable Alexander Fraser,
The Honorable James Graham,
The Honorable Henry Morgan Murphy,
The Honorable John Sherwin.

The President appointed the time and place of the meeting of the Committee to be at eleven o'clock in the forenoon on Thursday, the 7th March, in the South Committee-room.

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

MEETING

OF

SELECT COMMITTEE.

Thursday, 7th March.

ELECTIONS AND QUALIFICATIONS—at 11 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

25

No. 12.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 7TH MARCH, 1867.

The President took the Chair at the expiration of half-an-hour after the time appointed for the meeting of Council, and a quorum not being present, adjourned the Council, without question put, to the next sitting day, Tuesday, the 12th instant.

MEETINGS

OF

SELECT COMMITTEES.

Tuesday, 12th March.

ELECTIONS AND QUALIFICATIONS—at half-past 11 o'clock.

Wednesday, 13th March.

CONSTITUTION—at 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 13.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 12TH MARCH, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ELECTIONS AND QUALIFICATIONS COMMITTEE REPORT.—The Honorable R. S. Anderson, as Chairman of the Committee of Elections and Qualifications, brought up the Report of the Committee, and moved that the same be received.

Question—put and passed.

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

That George Rolfe, Esq., who was returned by the Returning Officer as duly elected for the South-Western Province, on the 11th October, 1866, was not duly elected.

That Thomas Learmonth, Esq., was duly elected at the said election for the said Province.

PETITION.—The Honorable T. T. a'Beckett presented a Petition, signed by Richard Eades and others, praying that the sale of Fish in the City of Melbourne may be restricted to the Fish Market or other public markets of the City.

Petition received.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to Amend the Laws relating to or affecting Public Health,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 7th March, 1867.

PUBLIC HEALTH AMENDMENT 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 printed, and read a second time to-morrow.

Question—put and passed.

PETITION.—The Honorable T. T. a'Beckett presented a Petition from the Corporation of the City of Melbourne, and under the corporate seal thereof, praying that a clause may be inserted in the Public Health Amendment Bill enacting that it may not be lawful to expose Fish for sale in the City of Melbourne except in the Fish Market or some other public market.

Petition received.

The Honorable T. T. a'Beckett moved, That the Petition, together with the Petition from Richard Eades and others, previously presented by the Honorable T. T. a'Beckett, be referred to the Committee of the whole House to which the Public Health Amendment Bill may be referred.

Question—put and passed.

PETITION.—The Honorable R. S. Anderson presented a Petition, signed by Andrew Allan and others, praying that they may not be compelled to remove their places of business as Fishmongers in the City of Melbourne.

Petition received.

PETITION.—The Honorable R. S. Anderson presented a Petition, signed by M. Kratowski and others, praying that the Fishmongers may not be compelled to remove from their present places of business in the City of Melbourne.

Petition received.

The Honorable R. S. Anderson moved, That the Petitions presented by him be referred to the Committee of the whole House to which the Public Health Amendment Bill may be referred.

Question—put and passed.

The Council adjourned at a quarter to five o'clock until four o'clock on Wednesday, the 13th instant.

ORDER OF THE DAY.

WEDNESDAY, 13TH MARCH, 1867.

Government Business.

ORDER OF THE DAY :—

1. PUBLIC HEALTH LAWS AMENDMENT BILL—To be read a second time.

MEETING
OF
SELECT COMMITTEE.

Wednesday, 13th March.

CONSTITUTION—at 3 o'clock.

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

No. 14.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 13TH MARCH, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PUBLIC HEALTH LAWS AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable G. W. Cole moved, That the Bill be now read a second time.

Debate ensued.

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

Cumberland Disease—Correspondence respecting supposed Introduction of, across the Murray River.

Ordered to lie on the Table.

PUBLIC HEALTH LAWS AMENDMENT BILL.—Debate resumed.

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

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

The President left the Chair.

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

Ordered.

ADJOURNMENT.—The Honorable 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 five minutes past six o'clock until four o'clock on Wednesday, the 20th instant.

ORDER OF THE DAY.

WEDNESDAY, 20TH MARCH, 1867.

Government Business.

ORDER OF THE DAY:—

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

MEETING
OF
SELECT COMMITTEE.

Wednesday, 20th March.

CONSTITUTION—at 3 o'clock.

REFRESHMENT ROOMS (JOINT)—at 4 o'clock.

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

No. 15.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 20TH MARCH, 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:—

Sewerage and Water Supply—Cash Sheet and Balance Sheet, 1865.

Ordered to lie on the Table.

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

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

The Honorable G. W. Cole moved, That the adoption of the Report of the Committee be made an Order of the Day for the next day of meeting.

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 Tuesday next.

Question—put and passed.

The Council adjourned at six o'clock until four o'clock on Tuesday, the 26th instant.

NOTICE OF MOTION AND ORDER OF THE DAY.

TUESDAY, 26TH MARCH, 1867.

NOTICE OF MOTION:—

1. The Hon. R. S. ANDERSON: To move for a Return showing the amount expended by the Government towards the introduction into this colony of the 3,610 passage-warrant holders who arrived during last year, and the amount expended in the introduction of the 584 immigrants who came out entirely at the expense of the Government during the same period.

ORDER OF THE DAY:—

1. PUBLIC HEALTH LAWS AMENDMENT BILL.—Adoption of Report.

MEETINGS
OF
SELECT COMMITTEES.

Tuesday, 26th March.

PRINTING—at half-past 3 o'clock.

Wednesday, 27th March.

CONSTITUTION—at 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 16.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 26TH MARCH, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ABSENCE, LEAVE OF.—HON. W. J. T. CLARKE.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That, in consequence of illness, leave of absence be granted to the Honorable W. J. T. Clarke for the remainder of the Session.

Question—put and passed.

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

1. Beechworth—Water Rights—Applications for.—Report of Board (24th January, 1867).
2. Volunteers—Grants of Land to.—Regulations (7th March, 1867).
3. Mining Operations—Lands excepted from.—Order in Council (27th February, 1867).
4. Beechworth and Gipps Land Mining Districts and Divisions—Alteration of.—Order in Council (12th March, 1867).

Ordered severally to lie on the Table.

IMMIGRATION EXPENDITURE, PASSAGE-WARRANTS, ETC.—The Honorable R. S. Anderson, in accordance with notice, moved, That there be laid on the Table of this House a Return showing the amount expended by the Government towards the introduction into this colony of the 3,610 passage-warrant holders who arrived during last year, and the amount expended in the introduction of the 584 immigrants who came out entirely at the expense of the Government during the same period.

Question—put and passed.

IMMIGRATION EXPENDITURE, PASSAGE-WARRANTS, ETC.—The Honorable G. W. Cole laid on the Table the Return ordered by the Council.

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

Question—put and passed.

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

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

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

The President left the Chair.

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

The Honorable 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 Bill as certified 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 to amend the Laws relating to or affecting Public Health.*"

Question—put and passed.

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

The Council adjourned at ten minutes to six o'clock until four o'clock on Wednesday, the 27th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 27TH MARCH, 1867.

NOTICES OF MOTION :—

1. The Hon. G. W. COLE : To move, That the Standing Order No. 11 shall be construed to mean, that a member moving an Order of the Day without remark may reserve his speech for a later period of the debate, as laid down in *May's Parliamentary Practice on "Reply."*
2. The Hon. R. S. ANDERSON : To move for a Return showing—
 - (1.) The gross amount received by Government from the sale or leasing of Crown lands, or from licences for the use thereof, during the year 1866.
 - (2.) The deductions made in respect of the fourth of such amount, available for immigration purposes, giving such deductions in detail, and showing the net amount available for immigration purposes in 1866.

TUESDAY, 2ND APRIL.

1. The Hon. J. McCRAE : To ask the Honorable Member representing the Government, When it is the intention of the Government to issue Land Certificates to those members of the Volunteer Force as are entitled to such certificates by length of service, in conformity with the *Amending Land Act 1865*, sec. 5, and also "*An Act to Remove Doubts concerning the Law relating to the granting of Land Certificates to Volunteers.*"

MEETING

OF

SELECT COMMITTEE.

Wednesday, 27th March.

CONSTITUTION—at 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 27TH MARCH, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

SOUTH-WESTERN PROVINCE.—DOUBLE RETURN.—The President informed the Council that he had received a letter from the Honorable T. Learmonth, electing to sit for the South-Western Province, by virtue of the election held in October, 1866.

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

The Honorable the President of the Legislative Council.

SIR,

Having been returned to serve in the Legislative Council, both at the election held in October, 1866, and also at the election held in February, 1867, for the South-Western Province, I beg leave to inform you that I elect to sit for that Province, in accordance with the determination of the Elections and Qualifications Committee, which declared me to have been duly elected on the 11th October, 1866.

I have the honor to be, Sir,

Your most obedient servant,

Melbourne, 27th March, 1867.

THOMAS LEARMONTH.

SWEARING IN OF NEW MEMBER.—The Honorable Thomas Learmonth, being introduced, took and subscribed the Oath of Allegiance provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Constitution Act, as hereunder set forth:—

“I, THOMAS LEARMONTH, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Five thousand pounds, sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Ercildoun, in the county or reputed county of Ripon, the descriptions of which lands and tenements are as follow:—Section XIX, 640 acres; section XX, 640 acres; section XXIII, 632 acres; section XXIV, 640 acres; section XXV, 640 acres; section XXVI, 800 acres; section XXIX, 640 acres; total, 4,632 acres. And I further declare, that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“THOMAS LEARMONTH.”

STANDING ORDER No. 11.—The Honorable G. W. Cole, in accordance with notice, moved, That the Standing Order No. 11 shall be construed to mean, that a Member moving an Order of the Day without remark may reserve his speech for a later period of the debate, as laid down in *May's Parliamentary Practice on "Reply."*

Debate ensued.

Amendment moved by the Honorable C. Sladen, That all the words after the word “That” be omitted, with a view to insert instead thereof the words, “the Standing Orders Committee take the whole subject of the Standing Orders into consideration, and report to the Council what revision, alteration, or addition, if any, is in their opinion necessary.”

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

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

Question—That the Standing Orders Committee take the whole subject of the Standing Orders into consideration, and report to the Council what revision, alteration, or addition, if any, is in their opinion necessary—put and passed.

CROWN LANDS, RECEIPTS FROM, 1866.—The Honorable R. S. Anderson, in accordance with amended notice, moved, That there be laid on the Table of this House, a Return showing—

- (1.) The gross amount received by Government from the sale or leasing of Crown lands, or from licences for the use thereof, during the year 1866.
- (2.) The deductions made in respect of the fourth of such amount, available for immigration purposes, giving such deductions under the different heads of expenditure, and showing the net amount available for immigration purposes in 1866.

Debate ensued.

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 granting to Her Majesty certain Duties of Customs, and for altering certain other Duties;*"

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

Legislative Assembly Chamber,
Melbourne, 27th March, 1867.

FRANS. MURPHY,
Speaker.

CUSTOMS DUTIES BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time, printed, and read a second time on the next day of meeting.

Question—put and passed.

Bill read a first time.

LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time, printed, and read a second time on the next day of meeting.

Question—put and passed.

Bill read a first time.

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 past five o'clock until four o'clock on Tuesday, the 2nd proximo.

ORDERS OF THE DAY.

TUESDAY, 2ND APRIL, 1867.

1. The Hon. J. McCRAE: To ask the Honorable Member representing the Government, When it is the intention of the Government to issue Land Certificates to those members of the Volunteer Force as are entitled to such certificates by length of service, in conformity with the *Amending Land Act* 1865, sec. 5, and also *An Act to Remove Doubts concerning the Law relating to the granting of Land Certificates to Volunteers*.
2. The Hon. R. S. ANDERSON: To ask the Honorable Member representing the Government, If it is the intention of the Government to introduce a Bill to amend the existing Land Act during the present Session, in accordance with the intimation to that effect contained in the Speech of His Excellency the Governor when opening Parliament.

ORDERS OF THE DAY :—

1. CUSTOMS DUTIES BILL.—To be read a second time.

2. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—To be read a second time.

MEETINGS OF SELECT COMMITTEES.

Tuesday, 2nd April.

STANDING ORDERS—at 2 o'clock.

Wednesday, 3rd April.

CONSTITUTION—at 3 o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 2ND APRIL, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

VOLUNTEERS—GRANTS OF LAND TO.—The Honorable J. McCrae, with leave of the Council, moved, without notice, That the Regulations laid upon the Table of the House on the 26th ultimo, relative to Grants of Land to Volunteers, be printed.

Question—put and passed.

CUSTOMS DUTIES BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable H. M. Murphy moved, That the Order of the Day be postponed until to-morrow.

Debate ensued.

Question—put and passed.

WRIT—ISSUE OF.—SOUTH-WESTERN PROVINCE.—The President informed the Council that a communication had been received from the Private Secretary of His Excellency the Governor, intimating that His Excellency had issued a Writ, returnable on the 30th day of April, for the election of a member for the South-Western Province.

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

1. Industrial Schools.—Report of Inspector, for Year 1866.

2. Mining Operations on exempted Lands—Authorization of, Cancelled.—Order in Council (18th March, 1867).

Ordered severally to lie on the Table.

LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable T. T. a'Beckett moved, That the Order of the Day be postponed until to-morrow.

Question—put and passed.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 3RD APRIL, 1867.

General Business.

NOTICE OF MOTION :—

1. The Hon. C. SLADEN : To move, That, should the Council assent to the second reading of the Customs Duties Bill, such assent shall not be considered to be a waiver of the objection heretofore urged by the Council to the inclusion of matters appertaining to the Territorial Revenue in a Bill dealing also with other matters.

Government Business.

ORDERS OF THE DAY :—

1. CUSTOMS DUTIES BILL.—To be read a second time.
2. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—To be read a second time.

TUESDAY, 9TH APRIL.

NOTICE OF MOTION :—

1. The Hon. C. J. JENNER : To move, That, in the opinion of this House, the agreement entered into by the Delegates at the Postal Conference is not satisfactory, or calculated to advance the interest of this Colony.

MEETINGS
OF
SELECT COMMITTEES.

Wednesday, 3rd April.

CONSTITUTION—at 3 o'clock.

REFRESHMENT ROOMS—at half-past 3 o'clock.

PARLIAMENT BUILDINGS—at half-past 3 o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 3RD APRIL, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

TERRITORIAL REVENUE—DEALING WITH, IN BILLS.—The Honorable C. Sladen, in accordance with notice, moved, That, should the Council assent to the second reading of the Customs Duties Bill, such assent shall not be considered to be a waiver of the objection heretofore urged by the Council to the inclusion of matters appertaining to the Territorial Revenue in a Bill dealing also with other matters.

Question—put and passed.

OPINION BY THE PRESIDENT.—CUSTOMS DUTIES BILL.—The President was asked by a member to give an opinion on the following questions :—

Whether the Bill before the House is a Money Bill, or a Bill involving administrative policy, or whether it is not two such Bills rolled into one ; and whether, in your opinion, this Bill is placed before the House in a manner conformable with the usages and practice of Parliament ?

The President gave the following opinion :—

- (1.) Whether the Bill before the House is a Money Bill involving administrative policy, or whether it is not two Bills rolled into one ?
 - A. The Bill now before the House is a Bill for granting to Her Majesty certain Duties of Customs, and therefore a Money Bill, and incidentally it involves an administrative policy.
- (2.) Whether, in your opinion, this Bill is placed before the House in a manner conformable with the usages and practice of Parliament ?
 - A. The Bill before the House is substantially in accordance with Parliamentary usage, so far as the same was settled last year by a Committee of the two Houses, and subsequently affirmed by both branches of the Legislature.

I would observe, however, that the power of this House to amend Money Bills is governed by the 56th Clause of the Constitution Act, which overrides all considerations of Parliamentary usage, and extends to all matters included in such Bills. There are clauses, for example, in this Bill providing for the collection, recovery, and management of Customs Duties, which might be amended by the House of Lords, but which may not be amended by this House ; and the same observation applies to the 15th Clause, which constructively repeals certain portions of the Customs Act of 1857, over which this House claims concurrent power with the Assembly. It will be, therefore, for the Council to consider the desirableness of establishing the practice that Money Bills should be Money Bills only, and should not include extraneous matters which, from the circumstances which I have mentioned, must unavoidably partake of the nature of a tack.

CUSTOMS DUTIES BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable C. Sladen moved, That the Order of the Day be postponed until to-morrow.

Question—put and passed.

LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

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

The President left the Chair.

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

Ordered.

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

MR. PRESIDENT—

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

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 2nd April, 1867.

PUBLIC HEALTH LAWS AMENDMENT BILL.—The Honorable T. T. a'Beckett moved, That the Message from the Legislative Assembly with this Bill be taken into consideration to-morrow.

Question—put and passed.

The Council adjourned at ten minutes to six o'clock until four o'clock on Thursday, the 4th instant.

ORDERS OF THE DAY AND NOTICE OF MOTION.

THURSDAY, 4TH APRIL, 1867.

ORDERS OF THE DAY :—

1. CUSTOMS DUTIES BILL.—To be read a second time.
2. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—To be further considered in Committee.
3. PUBLIC HEALTH LAWS AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

TUESDAY, 9TH APRIL.

NOTICE OF MOTION :—

1. The Hon. C. J. JENNER : To move, That, in the opinion of this House, the agreement entered into by the Delegates at the Postal Conference is not satisfactory, or calculated to advance the interest of this Colony.

MEETING OF SELECT COMMITTEE.

Tuesday, 9th April.

CONSTITUTION—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, 4TH APRIL, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

CUSTOMS DUTIES BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable C. Sladen moved, That the Order of the Day be postponed until Wednesday next.

Question—put and passed.

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

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

Ordered.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to enable the shareholders of a Joint Stock Insurance Company established in the Colony of Victoria under the name or style of the Australian Alliance Assurance Company to sue and be sued in the name of the Chairman for the time being of the Directors of the Company and for other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th April, 1867.

AUSTRALIAN ALLIANCE ASSURANCE COMPANY BILL.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That a Message be carried to the Legislative Assembly requesting that they will be pleased to communicate to the Council copies of the Report and Proceedings from the Select Committee of that House appointed during the present session of Parliament on the Bill.

Question—put and passed.

PUBLIC HEALTH LAWS AMENDMENT BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, on the motion of the Honorable G. W. Cole, it was severally resolved not to insist on the following amendments with which the Legislative Assembly had disagreed.

Clause 13, line 6, leave out, "under the direction of the Chief Secretary."

Clause 14, at commencement, insert, "The said Board subject to the approval of."

Clause 26, line 13, leave out "Chief Secretary," and insert, "chairman of the court of general sessions of the district in which such complaint shall arise."

The Honorable G. W. Cole moved, That the Council do not insist on the following amendment :—

Clause 26, line 19, leave out, "and the decision of the Chief Secretary shall be absolutely final."

The Honorable H. M. Murphy moved, That the word "not" be omitted from the question.

Question—That the word “not,” proposed to be omitted, stand part of the question—put and negatived.

Question—That the Council do insist on the amendment—put and passed.

The Honorable G. W. Cole moved, That the Council agree to the amendment made by the Legislative Assembly to insert after the word “make,” in line 2 of the following amendment made by the Council, the words “alter or vary and may revoke” :—

Clause 30, line 11, after “order,” insert, “the Governor in Council may from time to time make such orders as may seem to be necessary for the purpose of prohibiting or regulating the introduction into Victoria from any country or colony or part of a country or colony (in which respectively any disease in sheep cattle horses swine or other animals of the same or any other kind or kinds whatsoever is known to exist) of all sheep cattle horses swine or other animals of the same or any other kind or kinds whatsoever or of meat skins hides horns hoofs or other parts of any animals or of hay straw fodder or other articles likely to propagate amongst men or other animals any infectious or contagious disease whatsoever.”

Question—put and passed.

The Honorable G. W. Cole moved, That the Council do agree to the amendment made by the Legislative Assembly to omit, in line 6 of the same amendment, the word “known,” and to insert “believed” instead thereof.

The Honorable C. Sladen moved, That the word “not” be inserted in the question after the word “do.”

Question—That the word “not,” proposed to be inserted, be so inserted—put.

Contents, 10.
The Hon. Dr. Wilkie
T. H. Fellows
N. Black
C. Sladen
R. S. Anderson
J. P. Bear
J. F. Strachan
W. Highett
J. P. Fawkner
H. M. Murphy (*Teller*).

Not Contents, 7.
The Hon. G. W. Cole
W. Degraives
A. Fraser
R. Turnbull
J. Graham
J. McCrae
T. T. a'Beckett (*Teller*).

The question was therefore passed.

Question—That the Council do not agree to the amendment made by the Legislative Assembly to omit, in line 6 of the same amendment, the word “known,” and to insert “believed” instead thereof—put and passed.

The Honorable G. W. Cole moved, That the Council do not insist on the following amendment, with which the Legislative Assembly has disagreed :—

Clause 32, line 6 (p. 11), after “condition,” insert, “and it shall not be lawful to empty or suffer to flow into any running fresh-water stream the contents of such pools or reservoirs aforesaid.”

The Honorable H. M. Murphy moved, That the word “not” be omitted.

Question—That the word “not,” proposed to be omitted, stand part of the question—put and negatived.

Question—That the Council do insist on their amendment in Clause 32, line 6—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the following amendment :—

Clause 36, line 4 (p. 13), after “places” insert “the same not being a fresh-water running stream.”

Question—put and passed.

The Honorable G. W. Cole moved, That the Council do not insist on the following amendments, with which the Legislative Assembly has disagreed :—

Clause 52, line 10, leave out “or the agent receiving the rent for the same.”

Clause 52, line 13, leave out “or such agent as aforesaid.”

Clause 52, line 20, leave out “or such agent.”

Clause 52, line 24, leave out “or such agent.”

Clause 56, line 40, leave out “or by and from the agent for the said property.”

Clause 56, line 46, leave out “or by such agent.”

The Honorable T. T. a'Beckett moved, That the word “not” be omitted from the question.

Question—That the word “not,” proposed to be omitted, stand part of the question—put and negatived.

Question—That the Council do insist on the amendments in Clauses 52 and 56—put and passed.

Ordered—That the Bill be carried to the Legislative Assembly with a Message acquainting them that the Council do not insist on some amendments, that they do insist on other

amendments, and that they agree to one amendment made by the Legislative Assembly on an amendment made by the Council in Clause 30 of the Bill, and do not agree to another amendment made by the Legislative Assembly therein.

The Council adjourned at ten minutes to six o'clock until four o'clock on Tuesday, the 9th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 9TH APRIL, 1867.

NOTICES OF MOTION :—

1. The Hon. C. J. JENNER : To move, That, in the opinion of this House, the agreement entered into by the Delegates at the Postal Conference is not satisfactory, or calculated to advance the interest of this Colony.
2. The Hon. C. SLADEN : To move, That seven members of this Council be appointed to meet and confer with a like number of members of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any duty, rate, tax, rent, return, or impost, and particularly with the Bill intituled, "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties.*"

Contingent—That the following members be the members of the Committee, viz. :—The Honorables T. T. a'Beckett, R. S. Anderson, G. W. Cole, T. H. Fellows, A. Fraser, H. M. Murphy, and the Mover.

ORDER OF THE DAY :—

1. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—To be further considered in Committee.

WEDNESDAY, 10TH APRIL.

Government Business.

ORDER OF THE DAY :—

1. CUSTOMS DUTIES BILL.—To be read a second time.

MEETING
OF
SELECT COMMITTEE.

Tuesday, 9th April.

CONSTITUTION—at 3 o'clock.

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

No. 21.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 9TH APRIL, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. P. Fawkner presented a Petition, signed by James L. Burke and others, styling themselves members of the Victorian Ship-owners Association, praying that the recommendations of a late Postal Conference may not be sanctioned, but that a fortnightly Mail, *viâ* Suez, may be insisted on.

Petition received.

The Honorable J. P. Fawkner moved, That the Petition be taken into consideration when the recommendations of the late Postal Conference may be considered by the House.

Question—put and passed.

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

Mineral Statistics of Victoria, 1866.

Ordered to lie on the Table.

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

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

Ordered.

BILLS INCIDENTALLY INVOLVING IMPOSTS.—The Honorable R. S. Anderson, in the absence and on behalf of the Honorable C. Sladen, moved, in accordance with notice, That seven members of this Council be appointed to meet and confer with a like number of members of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any duty, rate, tax, rent, return, or impost, and particularly with the Bill intituled, "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties.*"

Debate ensued.

Question—put and passed.

The Honorable R. S. Anderson moved, in accordance with contingent notice, given by the Honorable C. Sladen, That the following members be the members of the Committee, viz.:—The Honorables T. T. a'Beckett, R. S. Anderson, G. W. Cole, T. H. Fellows, A. Fraser, H. M. Murphy, and the Honorable C. Sladen.

Question—put and passed.

The Honorable R. S. Anderson moved, That the Committee have power to sit on days on which the Council do not sit.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council have appointed seven members to meet and confer with a like number of members of the Legislative Assembly, in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any duty, rate, tax, rent, return, or impost, and particularly with the Bill intituled, "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties;*" and further to acquaint them that the Council have empowered the Committee to sit on days on which the Council do not sit.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council copies of the report and evidence taken before the Select Committee on the Bill intituled, "*An Act to enable the Shareholders of a Joint Stock Insurance Company established in the Colony of Victoria under the name or style of the Australian Alliance Assurance Company to sue and be sued in the name of the Chairman for the time being of the Directors of the Company, and for other purposes,*" as requested by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 9th April, 1867.

FRANS. MURPHY,
Speaker.

The Council adjourned during pleasure.

The President resumed the Chair.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 10TH APRIL, 1867.

Government Business.

ORDERS OF THE DAY :—

1. CUSTOMS DUTIES BILL.—To be read a second time.
2. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—To be further considered in Committee.

General Business.

NOTICE OF MOTION :—

1. The Hon. A. FRASER : To move, That the Australian Alliance Assurance Company Bill be now read a first time.

THURSDAY, 11TH APRIL.

NOTICE OF MOTION :—

1. The Hon. C. J. JENNER : To move, That, in the opinion of this House, the agreement entered into by the Delegates at the Postal Conference is not satisfactory, or calculated to advance the interest of this Colony.

MEETINGS OF SELECT COMMITTEES.

Wednesday, 10th April.

CONSTITUTION—at 3 o'clock.
PARLIAMENT BUILDINGS—at half-past 3 o'clock.
REFRESHMENT ROOMS—at half-past 3 o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 10TH APRIL, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

CUSTOMS DUTIES BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable G. W. Cole moved, That the Order of the Day be postponed until to-morrow.

Question—put and passed.

PETITION.—The Honorable R. Turnbull presented a Petition, signed by John Benn, styling himself chairman of the Melbourne Chamber of Commerce, and by others, praying that the Council will refuse their sanction to the recommendations of the late Postal Conference, and will approve a fortnightly service by way of Galle and King George's Sound, making Melbourne the depôt from which branch steamers may convey the mails to the other colonies.

Petition received.

The Honorable R. Turnbull moved, That the Petition be taken into consideration when the recommendations of the late Postal Conference may be considered by the House.

Question—put and passed.

CONSTITUTION OF LEGISLATIVE COUNCIL COMMITTEE.—**PROGRESS REPORT.**—The Honorable C. Sladen brought up a Progress Report from the Select Committee appointed on the 5th February, 1867, to which was referred the subject of altering and amending the Constitution of the Council, and moved, That the Report be received and printed.

Question—put and passed.

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

The Chairman of Committees reported progress, and asked leave to sit again on the first day of meeting after the Easter recess.

Ordered.

AUSTRALIAN ALLIANCE ASSURANCE COMPANY BILL.—The Honorable A. Fraser produced a certificate showing that the sum of twenty pounds had been paid by the promoters of this Bill, into the hands of the Treasurer, for the public uses of the colony, and moved, in accordance with notice, That the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the second reading of the Bill be made an Order of the Day for the first day of meeting after the Easter recess.

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 request that the Legislative Council will give permission to the Honorable W. H. F. Mitchell and the Honorable R. S. Anderson, Members of that House, to attend and give evidence before a Select Committee of the Legislative Assembly, appointed in the present Session, to enquire into and report upon the question of the value of the Seymour Bridge.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 10th April, 1867.

LEAVE TO MEMBERS TO ATTEND AND GIVE EVIDENCE.—The Honorable T. H. Fellows moved, That leave be given to the Honorables W. H. F. Mitchell and R. S. Anderson to attend and give evidence, as requested by the Legislative Assembly.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council have given permission to the Honorables W. H. F. Mitchell and R. S. Anderson to attend and give evidence, as requested by the Legislative Assembly.

The Council adjourned at five minutes to five o'clock until four o'clock on Thursday, the 11th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 11TH APRIL, 1867.

NOTICE OF MOTION :—

1. The Hon. C. J. JENNER : To move, That, in the opinion of this House, the agreement entered into by the Delegates at the Postal Conference is not satisfactory, or calculated to advance the interest of this colony.

ORDER OF THE DAY :—

1. CUSTOMS DUTIES BILL.—To be read a second time.

APRIL.

ORDERS OF THE DAY :—

1. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—To be further considered in Committee.
2. AUSTRALIAN ALLIANCE ASSURANCE COMPANY BILL.—To be read a second time.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 11TH APRIL, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

POSTAL CONFERENCE AGREEMENT.—The Honorable C. J. Jenner, in accordance with notice, moved, That, in the opinion of this House, the agreement entered into by the Delegates at the Postal Conference is not satisfactory, or calculated to advance the interest of this colony.

Debate ensued.

The Petition presented on the 10th instant, by the Honorable R. Turnbull, and signed by John Benn, styling himself chairman of the Melbourne Chamber of Commerce, and by others, was read at the Table by the Clerk.

The Petition presented on the 9th instant, by the Honorable J. P. Fawcner, and signed by James L. Burke and others, styling themselves members of the Victorian Shipowners Association, was read at the Table by the Clerk.

With leave of the Council, the Honorable C. J. Jenner added the following words to the question—

That no scheme for postal communication with the United Kingdom, *viâ* Suez, will be satisfactory that does not contemplate Melbourne as the terminus for the mail steamers.

That very little advantage will accrue to Victoria from either of the lines of communication with the United Kingdom *viâ* Panama and *viâ* Torres Straits.

That it is not desirable to subsidize either of those lines at present.

Question—That, in the opinion of this House, the agreement entered into by the Delegates at the Postal Conference is not satisfactory, or calculated to advance the interest of this colony. That no scheme for postal communication with the United Kingdom, *viâ* Suez, will be satisfactory that does not contemplate Melbourne as the terminus for the mail steamers. That very little advantage will accrue to Victoria from either of the lines of communication with the United Kingdom *viâ* Panama and *viâ* Torres Straits. That it is not desirable to subsidize either of those lines at present—put and passed.

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

Volunteer Force.—Additional Regulations (1st April, 1867).

Crown Lands.—Estimate of quantities to be sold in 1867 (11th April, 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 acquaint the Legislative Council that the Legislative Assembly have appointed a Committee of seven Members to meet and confer with the Committee of the Legislative Council in relation to the course of proceeding generally with Bills for imposing any duty, rate, tax, rent, return, or impost, and particularly with the Bill intituled, "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties ;*" and the Legislative Assembly further acquaint the Legislative Council that they have empowered the said Committee to meet on days on which the Legislative Assembly do not sit.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 11th April, 1867.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—The Honorable R. S. Anderson, on behalf of the Chairman, brought up a Report from the Joint Committee appointed for the superintendence and management of the Parliament Buildings, and moved, That the same be received and adopted, as follows:—

The Joint Committee of both Houses of Parliament, appointed to manage and superintend the Parliament Buildings, have the honor to report that they have agreed to the following resolutions:—

- (1.) That the Committee-room, now temporarily used as a room for newspaper volumes, be given up temporarily to be used as a Telegraph office, subject to resumption, if the Council at any time require the use thereof.
- (2.) That the estimate now produced for fitting Division bells with Electrical apparatus be recommended for adoption.

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

CUSTOMS DUTIES BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable G. W. Cole moved, That the Order of the Day be postponed until Wednesday, the 1st May 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 Tuesday, the 30th instant.

Question—put and passed.

The Council adjourned at five minutes past five o'clock until four o'clock on Tuesday, the 30th instant.

ORDERS OF THE DAY.

TUESDAY, 30TH APRIL, 1867.

ORDERS OF THE DAY:—

1. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—To be further considered in Committee.
2. AUSTRALIAN ALLIANCE ASSURANCE COMPANY BILL.—To be read a second time.

WEDNESDAY, 1ST MAY.

Government Business.

ORDER OF THE DAY:—

1. CUSTOMS DUTIES BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Tuesday, 30th April, 1867.

BILLS INCIDENTALLY INVOLVING IMPOSTS (COMMITTEE TO CONFER)—at 1 o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 30TH APRIL, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

NEW MEMBER.—SOUTH-WESTERN PROVINCE.—The President announced to the Council that the Writ for the election of a Member of the Legislative Council for the South-Western Province had been returned to His Excellency the Governor, and had been transmitted to the custody of the Clerk of the Council, showing that the Honorable Robert Culbertson Hope was duly elected.

SWEARING IN OF NEW MEMBER.—The Honorable Robert Culbertson Hope being introduced, took and subscribed the Oath of Allegiance provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Constitution Act, as hereunder set forth :—

“I, ROBERT CULBERTSON HOPE, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the clear value of Five thousand pounds, sterling money, above all charges and incumbrances affecting the same: And further, that the lands or tenements out of which such qualification arises are situate in the parishes of Gnarwarre, Carrung-ge-murnong, Carrah, and Murgheboluc, in the county of or reputed county of Grant, the descriptions of which lands and tenements are as follows :—Twelve thousand acres of land in the parishes aforesaid: And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“R. C. HOPE.”

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

1. Sanatory Station.—Report of Chief Medical Officer, 1866.
2. Electric Telegraph.—Report of Superintendent, 1866.

Ordered severally to lie on the Table.

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

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

Ordered.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, “*An Act to apply out of the Consolidated Revenue the sum of Twenty thousand pounds to the service of the year One thousand eight hundred and sixty-six and the sum of Five hundred thousand pounds 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, 30th April, 1867.

CONSOLIDATED REVENUE BILL (2).—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.

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

The President left the Chair.

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

The Honorable 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 to apply out of the Consolidated Revenue the sum of Twenty thousand pounds to the service of the year One thousand eight hundred and sixty-six and the sum of Five hundred thousand pounds to the service of the year One thousand eight hundred and sixty-seven.*"

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.

AUSTRALIAN ALLIANCE ASSURANCE COMPANY BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

The Council adjourned at six o'clock until four o'clock on Wednesday, the 1st proximo.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 1ST MAY, 1867.

Government Business.

ORDERS OF THE DAY :—

1. CUSTOMS DUTIES BILL.—To be read a second time.
2. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—To be further considered in Committee.

General Business.

NOTICE OF MOTION :—

1. The Hon. H. M. MURPHY : To move for a Return of the number of convicted prisoners who have been discharged before the completion of their sentences, and who have been again in custody before the previous sentence had expired.

ORDER OF THE DAY :—

1. AUSTRALIAN ALLIANCE ASSURANCE COMPANY BILL.—To be further considered in Committee.

MEETINGS OF SELECT COMMITTEES.

Wednesday, 1st May.

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

Thursday, 2nd May.

BILLS INCIDENTALLY INVOLVING IMPOSTS (COMMITTEE TO CONFER)—at 1 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 1ST MAY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

CUSTOMS DUTIES BILL.—The Order of the Day for the second reading of this Bill being called on, The Honorable G. W. Cole moved, That the Order of the Day be postponed until Tuesday next.

Question—put and passed.

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

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

The Honorable T. T. a'Beckett moved, That the Bill be now re-committed.

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

ROYAL ASSENT TO BILLS.—The President announced to the Council that a communication had been received from the Private Secretary, intimating that it is the intention of His Excellency the Governor to proceed to the Legislative Council Chamber on Thursday, the 2nd instant, at half-past four o'clock, to assent, in Her Majesty's name, to a certain Bill passed by the Legislative Council and Legislative Assembly.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled, "*An Act to amend the Laws relating to or affecting Public Health,*" and acquaint the Legislative Council that the Legislative Assembly still insist on disagreeing to some of the amendments made by the Legislative Council in this Bill; and that they do not insist on their amendment on the amendment of the Legislative Council in clause 30 of the Bill. The Legislative Assembly further acquaint the Legislative Council that they have appointed a Committee, consisting of four members, to confer with a Committee of a like number of the Legislative Council on the amendments made by the Legislative Council in clauses 52 and 56 of this Bill.

Legislative Assembly Chamber,
Melbourne, 1st May, 1867.

FRANS. MURPHY,
Speaker.

PUBLIC HEALTH LAWS AMENDMENT BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Honorable T. T. a'Beckett moved, That the Honorables R. S. Anderson, W. Highett, H. M. Murphy, and the Mover, be appointed to confer with four Members of the Legislative Assembly on clauses 52 and 56 of this Bill, as requested by the Legislative Assembly.

Debate ensued.

Motion, by leave, withdrawn.

The Honorable R. S. Anderson moved, That a Message be sent to the Legislative Assembly, returning the Public Health Laws Amendment Bill (which should properly be in the custody of the House demanding a conference), and informing the Legislative Assembly that the Legislative Council are prepared to appoint a Committee to confer with the Committee appointed by the Legislative Assembly on all points at issue between the two Houses in the said Bill.

Question—put and passed.

CONVICTED PRISONERS DISCHARGED BEFORE COMPLETION OF SENTENCES.—The Honorable H. M. Murphy, in accordance with notice, moved, That there be laid on the Table of the House a Return of the number of convicted prisoners who have been discharged before the completion of their sentences and who have been again in custody before the previous sentence had expired.

Question—put and passed.

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

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

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

Question—put and passed.

The Council adjourned at five minutes to six o'clock until four o'clock on Thursday, the 2nd instant.

ORDERS OF THE DAY.

THURSDAY, 2ND MAY, 1867.

ORDER OF THE DAY:—

1. AUSTRALIAN ALLIANCE ASSURANCE COMPANY BILL.—Adoption of Report.

TUESDAY, 7TH MAY.

ORDERS OF THE DAY:—

1. CUSTOMS DUTIES BILL.—To be read a second time.
2. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—Adoption of Report.

MEETING OF SELECT COMMITTEE.

Thursday, 2nd May.

BILLS INCIDENTALLY INVOLVING IMPOSTS (COMMITTEE TO CONFER)—at 1 o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 2ND MAY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

AUSTRALIAN ALLIANCE ASSURANCE COMPANY BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

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

Question—put and passed.

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

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

“An Act to apply out of the Consolidated Revenue the sum of Twenty thousand pounds to the service of the year One thousand eight hundred and sixty-six and the sum of Five hundred thousand pounds to the service of the year One thousand eight hundred and sixty-seven.”

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.

Mr. Speaker and the Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 7TH MAY, 1867.

1. The Hon. C. J. JENNER: To ask the Honorable Member representing the Government, When the Mint may be expected, and if there is a suitable building for its reception?

NOTICE OF MOTION:—

1. The Hon. W. H. F. MITCHELL: To move, That the Progress Report of the Select Committee on the Constitution of the Legislative Council be taken into consideration.

ORDERS OF THE DAY:—

1. CUSTOMS DUTIES BILL.—To be read a second time.
2. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—Adoption of Report.
3. AUSTRALIAN ALLIANCE ASSURANCE COMPANY BILL.—To be read a third time.

TUESDAY, 14TH MAY.

NOTICE OF MOTION :—

1. The Hon. C. J. JENNER: To move, That, in the opinion of this House, and with a view to promote the general interest of the Colony, it is desirable to increase the population of Victoria by immigration, and this House accordingly recommends that immediate effect should be given to the provisions of the Immigration Act No. 175.
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MEETING
OF
SELECT COMMITTEE.

Wednesday, 8th May.

BILLS INCIDENTALLY INVOLVING IMPOSTS (COMMITTEE TO CONFER)—at 1 o'clock.

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

No. 27.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 7TH MAY, 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 :—

Civil Establishment of Victoria, 1866.

Ordered to lie on the Table.

CONSTITUTION OF LEGISLATIVE COUNCIL.—PROGRESS REPORT OF COMMITTEE.—The Honorable W. H. F. Mitchell, in accordance with notice, moved, That the Progress Report of the Select Committee on the Constitution of the Legislative Council be now adopted.

Debate ensued.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that the Legislative Assembly have appointed a Committee of five Members to confer with a Committee of five Members of the Legislative Council on all points at issue between the two Houses on the Bill intituled, "*An Act to amend the Laws relating to or affecting the Public Health.*"

Legislative Assembly Chamber,
Melbourne, 7th May, 1867.

FRANS. MURPHY,
Speaker.

PUBLIC HEALTH LAWS AMENDMENT BILL.—The Honorable H. M. Murphy moved, That a Committee of five Members be appointed to confer with the Committee of like number appointed by the Legislative Assembly on all points at issue between the two Houses in this Bill.

Question—put and passed.

The Honorable H. M. Murphy moved, That the Committee consist of the Honorables T. T. a'Beckett, R. S. Anderson, J. P. Fawkner, W. Highett, and the Mover ; and that one o'clock on Thursday next in the Library be the time and place of meeting.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council have appointed a Committee of five Members to confer with the Committee of the Legislative Assembly, and that the Council have empowered the Committee to sit at one o'clock on Thursday next in the Library.

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

1. Post Office Savings Bank.—Deposits and Expenses, 1866.

2. Post Office Department.—Report, 1866.

Ordered severally to lie on the Table.

CUSTOMS DUTIES BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable G. W. Cole moved, That the Order of the Day be postponed until to-morrow.

Question—put and passed.

LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. T. a'Beckett moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

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

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

The President left the Chair.

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Wednesday, the 8th instant.

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

The Honorable A. Fraser moved, That the title of the Bill be, “*An Act to enable the Shareholders of a Joint Stock Insurance Company established in the Colony of Victoria under the name or style of ‘The Australian Alliance Assurance Company’ to sue and be sued in the name of the Chairman for the time being of the Directors of the Company and for other purposes.*”

Question—put and passed.

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

The Council adjourned at six o'clock until four o'clock on Wednesday, the 8th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 8TH MAY, 1867.

Government Business.

ORDERS OF THE DAY :—

1. CUSTOMS DUTIES BILL.—To be read a second time.
2. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—Adoption of Report.

TUESDAY, 14TH MAY.

NOTICE OF MOTION :—

1. The Hon. C. J. JENNER : To move, That, in the opinion of this House, and with a view to promote the general interest of the colony, it is desirable to increase the population of Victoria by immigration, and this House accordingly recommends that immediate effect should be given to the provisions of the Immigration Act, No. 175.

M E E T I N G S

OF

S E L E C T C O M M I T T E E S .

Wednesday, 8th May.

BILLS INCIDENTALLY INVOLVING IMPOSTS (COMMITTEE TO CONFER)—at 2 o'clock.

Thursday, 9th May.

PUBLIC HEALTH LAWS AMENDMENT BILL (COMMITTEE TO CONFER)—at 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 28.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 8TH MAY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

CUSTOMS DUTIES BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable G. W. Cole moved, That the Order of the Day be postponed until Tuesday next.

Question—put and passed.

LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable W. Highett moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill on the eighth clause.

Question—put and passed.

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

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

The President left the Chair.

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

The Honorable T. T. a'Beckett moved, That the Report of the Committee be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the Bill as certified was in accordance with the Bill as reported, the Bill, on the motion of the Honorable T. T. a'Beckett, was read a third time and passed.

The Honorable T. T. a'Beckett moved, That the title of the Bill be, "*An Act to consolidate and amend the Law relating to Lunatics.*"

Question—put and passed.

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

ADJOURNMENT.—The Honorable 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.

COMMITTEE TO CONFER ON PUBLIC HEALTH LAWS AMENDMENT BILL, EMPOWERED TO SIT DURING ADJOURNMENT.—The Honorable R. S. Anderson, by leave of the Council, moved, without notice, That the Committee appointed to confer with the Committee of the Legislative Assembly on the Public Health Laws Amendment Bill have power to sit during the adjournment of the House.

Question—put and passed.

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

NOTICE OF MOTION AND ORDER OF THE DAY.

TUESDAY, 14TH MAY, 1867.

NOTICE OF MOTION :—

1. The Hon. C. J. JENNER : To move, That, in the opinion of this House, and with a view to promote the general interest of the colony, it is desirable to increase the population of Victoria by immigration, and this House accordingly recommends that immediate effect should be given to the provisions of the Immigration Act, No. 175.

ORDER OF THE DAY :—

1. CUSTOMS DUTIES BILL.—To be read a second time.
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MEETINGS
OF
SELECT COMMITTEES.

Thursday, 9th May.

PUBLIC HEALTH LAWS AMENDMENT BILL (COMMITTEE TO CONFER)—at 2 o'clock.

Tuesday, 14th May.

BILLS INCIDENTALLY INVOLVING IMPOSTS, &c. (COMMITTEE TO CONFER)—at 2 o'clock.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 14TH MAY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PUBLIC HEALTH LAWS AMENDMENT BILL.—REPORT OF COMMITTEE TO CONFER.—The Honorable H. M. Murphy brought up a Report from the Committee appointed on the 7th instant to confer with a Committee of like number of the Legislative Assembly on all points at issue between the two Houses on this Bill.

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

The Select Committee of the Legislative Council, appointed on the 7th instant to confer with a like number of the Legislative Assembly on all points at issue between the two Houses on the Bill intituled, "*An Act to amend the Laws relating to or affecting the Public Health,*" have the honor to make the following Report :—

Your Committee in the first instance conferred with the Committee of the Legislative Assembly on the amendments insisted on by the Council in clauses 52 and 56. It was agreed by both Committees that the objects sought by the Council could be attained by an amendment in the 61st clause, which might be introduced by Message from His Excellency the Governor after the passage of the Bill through both Houses.

Your Committee were therefore prepared to recommend to your Honorable House that the amendments in clauses 52 and 56 should no longer be insisted on, with a view to the foregoing arrangement.

Your Committee also stated that they were prepared to recommend to your Honorable House that the amendments made by the Council in the 26th clause should no longer be insisted on, if the amendments in clauses 32 and 36, for preserving the purity of the streams of the colony, should be accepted by the Legislative Assembly. This recommendation your Committee proposed to make, not on the ground that the amendment in clause 26 is in itself unimportant, but on the ground that any administrative anomaly might be sanctioned, at least for a time, rather than any risk should be run of polluting streams in a manner which the scientific researches of late years have proved to be dangerous and pestilential in the highest degree.

Your Committee regret, however, to be compelled to state that no mutual understanding could be arrived at by both Committees.

It was stated by members representing the Assembly that an earnest desire existed to secure the general advantages of the Bill, and that they were loth to lose those advantages for the sake of an attempt, at this stage, to prevent the pollution of streams. But your Committee naturally replied that, if, with the make-weight of this earnest desire to pass the Bill, it is difficult to obtain consent to the amendments, it would manifestly be still more difficult to obtain consent to the principles of the amendment hereafter ; and, thus, neglect of the present opportunity may lead to wide-spread pollution, and perhaps to pestilences fatal to the population. Your Committee urged also that it would be idle to take other steps for the prevention of such a disease as cholera, and at the same time to promote, or to permit, the causes which are most congenial to its spread.

Neither Committee being inclined to recede from the position assumed in the first instance, your Committee have but to report the facts above stated to your Honorable House.

H. M. MURPHY.

The Honorable H. M. Murphy moved, That the Report be received, and taken into consideration to-morrow.

Question—put and passed.

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

Land excepted from Mining Operations.—Expedition Pass.—Order in Council (25th April, 1867).

CUSTOMS DUTIES BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable G. W. Cole moved, That the Order of the Day be postponed until to-morrow.

Question—put and passed.

The Council adjourned at twenty-five minutes to five o'clock until four o'clock on Wednesday, the 15th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 15TH MAY, 1867.

Government Business.

ORDER OF THE DAY :—

1. CUSTOMS DUTIES BILL.—To be read a second time.

General Business.

ORDER OF THE DAY :—

1. PUBLIC HEALTH LAWS AMENDMENT BILL.—Consideration of Report of Committee to Confer.

TUESDAY, 28TH MAY.

NOTICE OF MOTION :—

1. The Hon. C. J. JENNER : To move, That, in the opinion of this House, and with a view to promote the general interest of the colony, it is desirable to increase the population of Victoria by immigration, and this House accordingly recommends that immediate effect should be given to the provisions of the Immigration Act, No. 195.

MEETING OF SELECT COMMITTEE.

Wednesday, 15th May.

BILLS INCIDENTALLY INVOLVING IMPOSTS, &c. (COMMITTEE TO CONFER)—at 2 o'clock.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 15TH MAY, 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 (Quarter ending 31st March, 1867).

Ordered to lie on the Table.

BILLS INCIDENTALLY INVOLVING IMPOSTS, ETC.—PROGRESS REPORT OF COMMITTEE TO CONFER.

—The Honorable C. Sladen brought up a Progress Report from the Committee appointed on the 9th ultimo to meet and confer with a like number of members of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any duty, rate, tax, rent, return, or impost, and particularly with the Bill intituled, "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties.*"

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

The Committee appointed by your Honorable House to confer with a like number of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any rate, tax, rent, return, or impost, and particularly with a Bill intituled, "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties,*" have the honor to report as follows:—

Your Committee conferred on several occasions with the Committee of the Legislative Assembly on the said subjects, and it was mutually agreed by the two Committees that a Progress Report should be presented to each House, as follows:—

That the two Houses be respectively advised, that, inasmuch as doubts have arisen respecting the form or contents of and practice relating to Bills required by the 56th section of the Constitution Act to originate in the Legislative Assembly, it is expedient that the practice of the Lords and Commons respectively be observed as to such Bills and as to all subjects of Aid and Supply, and that each House should be guided in all matters and forms relating thereto by the precedents established by the House of Lords and by the House of Commons respectively.

CUSTOMS DUTIES BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable G. W. Cole moved, That the Order of the Day be postponed until Tuesday next.

Question—put and passed.

PUBLIC HEALTH LAWS AMENDMENT BILL.—CONSIDERATION OF REPORT OF COMMITTEE TO CONFER.—The Order of the Day for the consideration of the Report of the Committee appointed to confer with a Committee of like number of the Legislative Assembly on this Bill being called on, the Honorable H. M. Murphy moved, That the Order of the Day be discharged from the Paper.

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 Tuesday next.

Question—put and passed.

The Council adjourned at twenty-five minutes past four o'clock until four o'clock on Tuesday, the 21st instant.

NOTICES OF MOTION AND ORDER OF THE DAY.

 TUESDAY, 21ST MAY, 1867.

NOTICE OF MOTION :—

1. The Hon. C. SLADEN : To move, on the consideration of the Progress Report of the Committee appointed to confer with a Committee of the Legislative Assembly on Bills Incidentally involving Imposts, &c., That, inasmuch as doubts have arisen respecting the form or contents of and practice relating to Bills required by the 56th section of the Constitution Act to originate in the Legislative Assembly, it is expedient that the practice of the Lords and Commons respectively be observed as to such Bills and as to all subjects of Aid and Supply, and that each House should be guided in all matters and forms relating thereto by the precedents established by the House of Lords and by the House of Commons respectively.

ORDER OF THE DAY :—

1. CUSTOMS DUTIES BILL.—To be read a second time.
-

TUESDAY, 28TH MAY.

NOTICE OF MOTION :—

1. The Hon. C. J. JENNER : To move, That, in the opinion of this House, and with a view to promote the general interest of the colony, it is desirable to increase the population of Victoria by immigration, and this House accordingly recommends that immediate effect should be given to the provisions of the Immigration Act, No. 195.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 31.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 21ST MAY, 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:—

Lands Sold and Leased—Returns of—

1st July to 31st December, 1865.

1st January to 30th June, 1866.

Ordered severally to lie on the Table.

PETITION.—The Honorable T. H. Fellows presented a Petition, signed by Messrs. McEwan and Co. and others, styling themselves merchants and importers of wines and spirits, in the City of Melbourne, praying that the proposed new duties on spirits may be made leviable upon underproof spirits imported after the 1st October next, or that the Customs Duties Bill may be rejected.

Petition received.

PAPER.—The Honorable G. W. Cole, by command of His Excellency the Governor, laid on the Table the following Paper:—

Military.—Despatches relative to distribution of Her Majesty's Troops in Victoria.
26th June, 1863, to 26th December, 1866.

Ordered to lie on the Table.

CUSTOMS DUTIES 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.

Debate ensued.

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.

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

The President left the Chair.

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

The Honorable G. W. Cole moved, That the Report of the Committee be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for to-morrow.

SUPPLY BILLS AND BILLS INCIDENTALLY INVOLVING IMPOSTS, ETC.—CONSIDERATION OF PROGRESS REPORT OF COMMITTEE TO CONFER.—The Honorable C. Sladen, in accordance with notice, moved, That, inasmuch as doubts have arisen respecting the form or contents of and practice relating to Bills required by the 56th section of the Constitution Act to originate in the Legislative Assembly, it is expedient that the practice of the Lords and Commons respectively be observed as to such Bills and as to all subjects of Aid and Supply, and that each House should be guided in all matters and forms relating thereto by the precedents established by the House of Lords and by the House of Commons respectively.

Debate ensued.

Question—put and passed.

The Council adjourned at twenty-five minutes to six o'clock until four o'clock on Wednesday, the 22nd instant.

NOTICE OF MOTION AND ORDER OF THE DAY.

WEDNESDAY, 22ND MAY, 1867.

Government Business.

ORDER OF THE DAY:—

1. CUSTOMS DUTIES BILL.—To be read a third time.
-

TUESDAY, 28TH MAY.

NOTICE OF MOTION:—

1. The Hon. C. J. JENNER: To move, That, in the opinion of this House, and with a view to promote the general interest of the colony, it is desirable to increase the population of Victoria by immigration, and this House accordingly recommends that immediate effect should be given to the provisions of the Immigration Act, No. 195.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 22ND MAY, 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 :—

Lands Sold and Leased.—Return of Lands Sold and Leased, &c., &c., from 1st July to 31st December, 1865.

Ordered to lie on the Table.

CUSTOMS DUTIES BILL.—The Order of the Day for the third reading of this Bill being called on, the Honorable G. W. Cole moved, That the Bill be now read a third time.

The President said—

I desire to make one observation before I put this motion to the Council.

The disability of this House to amend Money Bills seems to be admitted on all sides; and yet, in the face of this disability, the Council is now invited to do a wrong thing—namely, to make amendments to a Money Bill, in order to set others right, but without any assurance that the wrong thing will be approved by the Assembly, or that it will lead to a settlement of the question.

I need scarcely point out that two other courses, not liable to the same objection of illegality, are open to the Council.

The first and most obvious course is to reject the Bill. Two other Bills might then be introduced, without delay, in the Assembly, and rapidly passed through both Houses. The resolutions (the only debateable matter) on which the first was founded would stand good for the others, and would not have to be repeated.

The second course is to pass the Bill without amendment. The exigency of the case, being great, would justify the proceeding—especially as, by the adoption of the report of the conferring committees by both Houses, when embodied in a Joint Standing Order, a sufficient guarantee would be afforded against any recurrence of unparliamentary practice; or, if necessary, an entry might be made in the journals of the special circumstances under which the Bill was passed.

Debate ensued.

The President reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported.

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

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

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

Question—put and passed.

The Honorable T. H. Fellows moved, 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.

ABSENCE, LEAVE OF.—HON. W. H. F. MITCHELL.—The Honorable R. S. Anderson, with leave of the Council, moved, without notice, That leave of absence, for one month, be granted to the Honorable W. H. F. Mitchell.

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 Tuesday next.

Question—put and passed.

The Council adjourned at five o'clock until four o'clock on Tuesday, the 28th instant.

NOTICES OF MOTION.

TUESDAY, 28TH MAY, 1867.

NOTICES OF MOTION :—

1. The Hon. C. J. JENNER : To move, That, in the opinion of this House, and with a view to promote the general interest of the colony, it is desirable to increase the population of Victoria by immigration, and this House accordingly recommends that immediate effect should be given to the provisions of the Immigration Act, No. 195.
2. The Hon. G. W. COLE : To move for the following Papers to be printed as an Appendix to *Hansard* :—
 - (1.) The Debates in both Houses of Parliament on the Bill known as the Paper Duty Bill, in 1860.
 - (2.) The Report of the Committee on Precedents and Privileges on the above.
 - (3.) The Debate and Resolutions in the House of Commons on Tax Bills. Also,
 - (4.) The Debates in both Houses of Parliament on the Customs and Inland Revenue Bill, in 1861.
 - (5.) Mr. Gladstone's Speech on the last subject, as printed in the Appendix of the English *Hansard*.
 - (6.) Protest of the ten Lords.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 28TH MAY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable H. M. Murphy presented a Petition from the Borough of Prahran, and under the corporate seal thereof, praying that the Council will not consent to any alteration in the Health Bill which would have the effect directly or indirectly of permitting the pollution of the River Yarra.

Petition received.

IMMIGRATION.—The Honorable C. J. Jenner, in accordance with notice, moved, That, in the opinion of this House, and with a view to promote the general interest of the colony, it is desirable to increase the population of Victoria by immigration, and this House accordingly recommends that immediate effect should be given to the provisions of the Immigration Act, No. 195.

Debate ensued.

The Honorable W. Highett moved, That the debate be adjourned.

Question—put and passed.

Ordered—That the debate be adjourned until Tuesday, the 4th proximo.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled, "*An Act to amend the Laws relating to or affecting Public Health,*" and inform them that the Legislative Assembly still insist in disagreeing with the amendment of the Legislative Council in clause 26 of this Bill.

That the Legislative Assembly also insist in disagreeing with the amendments of the Legislative Council in clauses 32 and 36 of the Bill.

The Legislative Assembly also acquaint the Legislative Council that, in view of the understanding mentioned in clause 1 of the Report of the Committee of the Legislative Assembly upon this Bill, the Legislative Assembly insist upon disagreeing with the amendments of the Legislative Council in clauses 52 and 56 of the Bill.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd May, 1867.

PUBLIC HEALTH LAWS AMENDMENT BILL.—The Honorable H. M. Murphy moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

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

Question—put and passed.

BILLS INCIDENTALLY INVOLVING IMPOSTS, &c.—COMMITTEE TO CONFER.—The Honorable R. S. Anderson, with leave of the Council, moved, without notice, That the Committee appointed to confer with a like number of members of the Legislative Assembly have power to sit during the adjournment of the House.

Question—put and passed.

The Council adjourned at six o'clock until four o'clock on Tuesday, the 4th proximo.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 4TH JUNE, 1867.

1. The Hon. T. H. FELLOWS: To ask Captain Cole, Upon what principle the Government proceeded in selecting the persons whose services are to be dispensed with upon the reduction of the number of police magistrates?
2. The Hon. R. S. ANDERSON: To ask the Honorable Member representing the Government, When this House may expect to be furnished with the return required by the resolution of the 30th May, 1866, regarding the amounts available for and expended in immigration purposes?

NOTICE OF MOTION :—

1. The Hon. G. W. COLE: To move for the following Papers to be printed as an Appendix to *Hansard* :—
 - (1.) The Debates in both Houses of Parliament on the Bill known as the Paper Duty Bill, in 1860.
 - (2.) The Report of the Committee on Precedents and Privileges on the above.
 - (3.) The Debate and Resolutions in the House of Commons on Tax Bills. Also,
 - (4.) The Debates in both Houses of Parliament on the Customs and Inland Revenue Bill, in 1861.
 - (5.) Mr. Gladstone's Speech on the last subject, as printed in the Appendix of the English *Hansard*.
 - (6.) Protest of the ten Lords.

ORDERS OF THE DAY :—

1. IMMIGRATION.—Adjourned debate on question, That, in the opinion of this House, and with a view to promote the general interest of the colony, it is desirable to increase the population of Victoria by immigration, and this House accordingly recommends that immediate effect should be given to the provisions of the Immigration Act, No. 195.
2. PUBLIC HEALTH LAWS AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 4TH JUNE, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Education—Fifth Report of Board of (1866).
2. Statistics of Victoria, 1866.—Part I, Population.
3. Neglected and Criminal Children Act.—Report on Female Reformatory and Industrial Schools at Abbotsford, to 31st December, 1866.
4. Neglected and Criminal Children Act.—Report on Industrial Schools at St. Joseph's, Geelong.—13th December, 1866.
5. Omeo Division of Beechworth Mining District to be designated the Mitta-mitta Division.—Order in Council (20th May, 1867).

Ordered severally to lie on the Table.

PAPER DUTY BILL, DEBATES ON, IN IMPERIAL PARLIAMENT, ETC.—The Honorable G. W. Cole, in accordance with *amended* notice, moved, That the following Papers be printed and laid on the Table of the House :—

- (1.) The Debates in both Houses of Parliament on the Bill known as the Paper Duty Bill, in 1860.
- (2.) The Report of the Committee on Precedents and Privileges on the above.
- (3.) The Debate and Resolutions in the House of Commons on Tax Bills. Also,
- (4.) The Debates in both Houses of Parliament on the Customs and Inland Revenue Bill, in 1861.
- (5.) Mr. Gladstone's Speech on the last subject, as printed in the Appendix of the English *Hansard*.
- (6.) Protest of the ten Lords.
- (7.) Copies of the Customs and Inland Revenue Act, 1861.
- (8.) Copy of the Excise and Stamp Act, 1861.

Debate ensued.

Question—put and negatived.

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

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have referred the message of the Legislative Council returning the Customs Duties Bill, with amendments, to the Committee of the Legislative Assembly appointed to confer with the Committee of the Legislative Council on this Bill.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th June, 1867.

IMMIGRATION.—The Order of the Day for the resumption of the debate on the question, That, in the opinion of this House, and with a view to promote the general interest of the colony, it is desirable to increase the population of Victoria by immigration, and this House accordingly recommends that immediate effect should be given to the provisions of the Immigration Act, No. 195, being read—the debate was resumed.

Question—put and passed.

PUBLIC HEALTH LAWS AMENDMENT BILL.—The Order of the Day for the consideration of the message from the Legislative Assembly with this Bill being read, the Honorable H. M. Murphy moved, That the Order of the Day be postponed until Thursday next.
Question—put and passed.

BILLS INCIDENTALLY INVOLVING TAXATION, ETC.—The Honorable G. W. Cole, with leave of the Council, moved, without notice, That the Committee appointed to confer with a like number of Members of the Legislative Assembly have power to sit during any adjournments of the House.
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 Thursday next.
Question—put and passed.

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

NOTICE OF MOTION AND ORDER OF THE DAY.

THURSDAY, 6TH JUNE, 1867.

1. The Hon. H. M. MURPHY: To ask the Honorable Member representing the Government, When the return of the number of convicted prisoners who have been discharged before the completion of their sentences, and who have been again in custody before the previous sentence had expired—called for on the 1st of May last—will be furnished.
2. The Hon. R. S. ANDERSON: To ask the Honorable G. W. Cole, as representing the Government, What provision has been made for bringing out assisted and free immigrants to Victoria since the termination of the contract, in September last, and whether it is the intention of the Government to call for tenders, with the view of again providing suitable accommodation, by contract, for future immigrants, and what arrangements have been made for the accommodation of free immigrants on their arrival in Victoria, since the abolition of the Immigration Depôt.

NOTICE OF MOTION:—

1. The Hon. R. S. ANDERSON: To move, That there be laid on the Table of this House a Return showing the amount received from the sale, leasing, and occupation of Crown lands during the last five years, distinguishing each year; the net proceeds each year; the amount expended for immigration purposes during each of those years, distinguishing the amount expended for free and assisted immigration, and giving credit for all deposits received from nominators; and that this House desires to be furnished with the reasons why the order of last session to the foregoing effect has not been complied with.

ORDER OF THE DAY:—

1. **PUBLIC HEALTH LAWS AMENDMENT BILL.**—Consideration of Message from Legislative Assembly.
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MEETING OF SELECT COMMITTEE.

Wednesday, 5th June.

BILLS INCIDENTALLY INVOLVING TAXATION—(COMMITTEE TO CONFER)—at 2 o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 6TH JUNE, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

IMMIGRATION EXPENDITURE, ETC.—The Honorable R. S. Anderson, in accordance with notice, moved, That there be laid on the Table of this House a Return showing the amount received from the sale, leasing, and occupation of Crown lands during the last five years, distinguishing each year; the net proceeds each year; the amount expended for immigration purposes during each of those years, distinguishing the amount expended for free and assisted immigration, and giving credit for all deposits received from nominators; and that this House desires to be furnished with the reasons why the order of last session to the foregoing effect has not been complied with.

Debate ensued.

Question—put and passed.

PUBLIC HEALTH LAWS AMENDMENT BILL.—The Order of the Day for the consideration of the message from the Legislative Assembly with this Bill being read, the Honorable H. M. Murphy moved, That the Council do not insist on the following amendments in the Bill :—

Clause 26, line 19, leave out, “and the decision of the Chief Secretary shall be absolutely final.”

Clause 52, line 10, leave out “or the agent receiving the rent for the same.”

Clause 52, line 13, leave out “or such agent as aforesaid.”

Clause 52, line 20, leave out “or such agent.”

Clause 52, line 24, leave out “or such agent.”

Clause 56, line 40, leave out “or by and from the agent for the said property.”

Clause 56, line 46, leave out “or by such agent.”

Question—put and passed.

The Honorable H. M. Murphy moved, That the Council do insist on the following amendments :—

Clause 32, line 6 (p. 11), after “condition,” insert, “and it shall not be lawful to empty or suffer to flow into any running fresh-water stream the contents of such pools or reservoirs aforesaid;”

Clause 36, line 4 (p. 13), after “places,” insert, “the same not being a fresh-water running stream;”

and that the Honorables C. Sladen and R. S. Anderson and the Mover be appointed to draw up reasons for insisting on such amendments.

Debate ensued.

Question—put.

Council divided.

Contents, 10.
 The Hon. C. Sladen
 J. Sherwin
 J. F. Strachan
 T. Learmonth
 N. Fitzgerald
 H. M. Murphy
 J. P. Fawcner
 Dr. Hope
 R. S. Anderson
 Dr. Wilkie (*Teller*).

Not Contents, 10.
 The Hon. J. Henty
 G. W. Cole
 J. McCrae
 C. J. Jenner
 W. Degraues
 A. Fraser
 J. Graham
 R. Turnbull
 J. P. Bear
 T. T. a'Beckett (*Teller*).

The President declared that he gave his voice with the Contents.

The question was therefore passed.

The Council adjourned at ten minutes past six o'clock until four o'clock on Tuesday, the 11th instant.

MEETINGS OF SELECT COMMITTEES.

Tuesday, 11th June.

PUBLIC HEALTH BILL AMENDMENT COMMITTEE—at 2 o'clock.

BILLS INCIDENTALLY INVOLVING TAXATION, &c.—(COMMITTEE TO CONFER)—at half-past 3 o'clock.

Wednesday, 12th June.

STANDING ORDERS—at 3 o'clock.

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

79

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 11TH JUNE, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PUBLIC HEALTH LAWS AMENDMENT BILL.—The Honorable H. M. Murphy brought up a Report from the Committee appointed on the 6th instant to draw up reasons for insisting on the amendments made by the Council in clauses 32 and 36 of this Bill.

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

The Committee appointed on the 6th instant to prepare reasons for insisting on the amendments made by the Legislative Council in clauses 32 and 36 of the Bill intituled "*An Act to amend the Laws relating to or affecting Public Health*" have the honor to submit to your Honorable House the following reasons :

1. The Legislative Council insist on their amendment in clause 32—Because they think that no measure for promoting the public health would be perfect which allowed streams in the vicinity of a population to be polluted with poisonous and offensive matter.

2. Because the application of their amendment is not general to the streams of the whole colony, but confined to such as are in the immediate neighbourhood of the manufactories or other establishments named in the 32nd clause as throwing off refuse offensive and dangerous to the inhabitants of the vicinity.

3. Because they are of opinion that if, in a Bill introduced expressly for promoting the public health, the Legislature deem it necessary to require that "every distillery, manufactory, brewery, slaughter-house, and every establishment for the boiling or preparing of any animal matter, should be provided with a pool or reservoir for receiving or depositing the refuse of such works so far as the same is offensive or dangerous to the health of persons living in the vicinity, and that such pool should be periodically emptied of its contents and kept in an inoffensive and cleanly condition," the Legislature ought not to stop short of insisting that such refuse should not be discharged into any stream so as to make such stream "offensive and dangerous" to the inhabitants in the vicinity.

4. Because they are of opinion that, although "the owner or occupier of every such manufactory or other establishment may be compelled by order of the local board to use the best practicable means for rendering such refuse inoffensive or innoxious before the same is discharged," "the best practicable means" would not always be sufficient "to render such refuse inoffensive or innoxious," even if the local board should devote themselves thoroughly to the duty; but that such refuse would frequently contain poisonous and offensive matter that no practicable means would be sufficient to get rid of.

5. Because they are of opinion that no local board can practically have such control over any pool or reservoir for the reception of any such refuse as to insure its being rendered inoffensive and innoxious before being discharged, even supposing it possible that such refuse might, by the use of proper agents, be so purified as to be inoffensive and innoxious.

6. They also insist specially on their amendment in clause 36, because the drains and sewers therein contemplated can only exist where there is a concentrated population, and the discharge of such drains and sewers into a running fresh-water stream cannot fail to render such stream offensive and dangerous to the health of that population.

The Honorable H. M. Murphy moved, That the reasons be now adopted.

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly; to acquaint them that the Council do not insist on certain amendments in the Bill, and that they still insist on certain amendments, for the reasons above set forth.

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.

STANDING ORDERS COMMITTEE.—The Honorable G. W. Cole, with leave of the Council; moved, without notice, That the Select Committee on the Standing Orders of the House have power to meet during the adjournment.

Question—put and passed.

The Council adjourned at twenty-five minutes to five o'clock until four o'clock on Tuesday, the 18th instant.

MEETINGS
OF
SELECT COMMITTEES.

Wednesday, 12th June.

STANDING ORDERS—at 3 o'clock.

Tuesday, 18th June.

BILLS INCIDENTALLY INVOLVING TAXATION, &c.—(COMMITTEE TO CONFER)—at half-past 3 o'clock.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 18TH JUNE, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

BILLS INCIDENTALLY INVOLVING TAXATION, ETC.—The Honorable C. Sladen brought up a Report from the Committee, appointed on the 9th April, “to meet and confer with a like number of Members of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any duty, rate, tax, rent, return or impost, and particularly with the Bill intituled, ‘*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties.*’”

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

The Committee appointed by your Honorable House “to confer with a like number of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any rate, tax, rent, return, or impost, and particularly with a Bill intituled, ‘*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties.*’” have the honor to report as follows:—

Since making their Progress Report to your Honorable House on the 15th ultimo, your Committee have conferred, on the 5th, 6th, 11th, and 18th instant, with the Committee of the Legislative Assembly.

The Committees mutually agreed that it should be recommended that the object of the resolution contained in the said Progress Report should, if possible, be accomplished by means of a joint standing order of both Houses, and that each House should cause the standing orders and joint standing orders to be considered, with a view to make them consistent with that resolution.

The Committee of the Legislative Assembly informed your Committee that they would recommend to the Legislative Assembly that the Bill be laid aside, and a new Bill be introduced, omitting the portions objected to by your Honorable House, with the exception of the 15th clause, which, after hearing the arguments of the Committee of the Legislative Assembly, your Committee are of opinion ought not to have been objected to.

CHARLES SLADEN.

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

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, “*An Act to amend the Law relating to Insolvents and their Estates,*” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 18th June, 1867.

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

Question—put and passed.

The Honorable G. W. Cole moved, That the second reading of the Bill be made an Order of the Day for this day fortnight.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled, "*An Act to consolidate and amend the Law relating to Lunatics,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill; that they have disagreed to others of the said amendments; and have agreed to others with amendments, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 18th June, 1867.

LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—The Honorable G. W. Cole moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for this day week.

Question—put and passed.

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

ORDERS OF THE DAY.

WEDNESDAY, 19TH JUNE, 1867.

ORDER OF THE DAY:—

1. BILLS INCIDENTALLY INVOLVING TAXATION, ETC.—Consideration of Report of Committee to Confer.

TUESDAY, 25TH JUNE.

ORDER OF THE DAY:—

1. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

TUESDAY, 2ND JULY.

ORDER OF THE DAY:—

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

MEETING

OF

SELECT COMMITTEE.

Wednesday, 19th June.

STANDING ORDERS—at half-past 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 38.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 19TH JUNE, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

BILLS INCIDENTALLY INVOLVING TAXATION, ETC.—The Order of the Day for the consideration of the Report of the Committee appointed to confer with a Committee of like number of Members of the Legislative Assembly being read, the Honorable C. Sladen moved, That this Report be adopted; and, with a view of carrying out the recommendations contained therein, and in the Progress Report, the two Reports be referred to the Committee on Standing Orders.

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 Tuesday next.

Question—put and passed.

The Council adjourned at a quarter to five o'clock until four o'clock on Tuesday, the 25th instant.

ORDERS OF THE DAY.

TUESDAY, 25TH JUNE, 1867.

ORDER OF THE DAY:—

1. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

TUESDAY, 2ND JULY.

ORDER OF THE DAY:—

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

MEETING
OF
SELECT COMMITTEE.

Wednesday, 26th June.

STANDING ORDERS—at half-past 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

By Authority: JOHN FERRES, Government Printer, Melbourne.

[100 copies.]

No. 39.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 25TH JUNE, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable T. T. a'Beckett moved, That the consideration of the preceding amendments be postponed till after the consideration of the amendment made by the Legislative Assembly on the amendment made by the Council in clause 18 of the Bill.

Question—put and passed.

The following amendment in clause 18 was read:—Amendment to leave out all words after "Act" agreed to, with the insertion of the following words instead: "The committee or other body, or the persons in whose hands shall be vested the management of any public hospital, may, with the consent of the Governor in Council, provide wards for the temporary reception of lunatic patients, and thereupon the Governor in Council may from time to time make and alter and rescind orders and regulations for the registration, treatment, dietary, and inspection of patients in such wards, and for the discharge or transfer or removal of patients therefrom."

The Honorable T. T. a'Beckett moved, That the Council do agree to the amendment.

Debate ensued.

The Honorable T. T. a'Beckett, with leave of the Council, moved, That the debate be postponed till the next day of meeting.

Question—put and passed.

The Honorable T. T. a'Beckett moved, That the consideration of the preceding amendments be again postponed until after the consideration of the amendments in the seventeenth clause.

Question—put and passed.

The following amendment made by the Legislative Assembly on the amendment made by the Council in clause 17, line 4, was read:—

Insertion of words "in writing," agreed to; words "attested by a justice of the peace," disagreed with.

The Honorable T. T. a'Beckett moved, That the Council do not insist on the insertion of the words disagreed with by the Legislative Assembly.

Debate ensued.

Question—put and negatived.

The Honorable J. P. Fawcner moved, That the Council do insist on the insertion of the words.

Question—put and passed.

The Honorable T. T. a'Beckett moved, That the Council do not insist on the insertion (after the word "months," in clause 17, line 36) of the words with which the Legislative Assembly have disagreed.

Debate ensued.

Question—put and passed.

The Honorable T. H. Fellows moved, That the further consideration of the Message be postponed until the next day of meeting of the Council.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to correct certain errors in and to amend recent Consolidation Acts and Statutes.*"

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

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

FRANS. MURPHY,
Speaker.

CONSOLIDATION ACTS AMENDMENT BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Question—put and passed.

Bill read a first time.

CUSTOMS DUTIES BILL (2).—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.

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

The President left the Chair.

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

The Honorable 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 Bill, as certified, 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 granting to Her Majesty certain Duties of Customs and for altering certain other Duties.*"

Question—put and passed.

The Honorable G. W. Cole moved, That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the Bill without amendment.

The Honorable T. H. Fellows moved, That the following words be added to the Message :—

"The Legislative Council deem it right to refer to the 43rd Section of the Constitution Act in connection with the exemption from duty of salt fish 'caught from vessels owned in the Colony.'

"If fish imported from a country in which vessels owned in the Colony may have been employed for catching the fish are exempt, while fish imported from other countries, but not so caught, are charged, a new duty seems to be imposed upon the importation into Victoria of an article imported from a particular country which is not equally imposed on the importation into Victoria of the like article imported from all other countries."

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

Question—That a Message be sent to the Legislative Assembly, acquainting them that the Council have agreed to the Bill without amendment, and adding the foregoing words—put and passed.

PAPER.—The Honorable G. W. Cole, by command of His Excellency the Governor, presented to the Council the following paper :—

Mining on Reserved Lands at Ballarat.—Report of Royal Commission (25th June, 1867).

Ordered to lie on the Table.

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.

INSOLVENCY.—The Honorable C. Sladen, with leave of the Council, moved, without notice, That there be laid on the Table of the House a Return showing—

1. The number of insolvencies during the three years ending 31st March, 1867, in each of the Insolvency Districts of Melbourne, Geelong, and Beechworth.

2. The number of creditors in each district, and distinguishing in each the number resident in Melbourne and the number resident elsewhere.
3. The amount due to the creditors in each district, and distinguishing the amount due to those resident in Melbourne and those elsewhere.
4. The amount of assets scheduled, the amount realized, and the average dividend declared in each district.

Question—put and passed.

The Council adjourned at half-past five o'clock until four o'clock on Tuesday, 2nd proximo.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 2ND JULY, 1867.

NOTICE OF MOTION :—

1. The Hon. W. DEGRAVES : To move, That, in the opinion of this House, any claims for gratuity in lieu of pensions to any individual should be made the subject of a Bill, in order to give this House an opportunity of considering the same.

ORDERS OF THE DAY :—

1. INSOLVENCY LAW AMENDMENT BILL.—To be read a second time.
2. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—Further consideration of Message from Legislative Assembly.
3. CONSOLIDATION ACTS AMENDMENT BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Wednesday, 26th June.

STANDING ORDERS—at half-past 2 o'clock.

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

No. 40.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 2ND JULY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

INSOLVENCY LAW AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the Bill be now read a second time. Debate ensued.

Amendment moved by the Honorable C. Sladen, That all the words after the word "That" be omitted, with a view to insert the words, "this Bill be referred to a Select Committee, consisting of the Honorables T. T. a'Beckett, R. S. Anderson, T. H. Fellows, J. Graham, W. Highett, J. P. Fawkner, and the Mover; and that such Committee have power to call for persons and papers."

Debate ensued.

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

Council divided.

Contents, 4.

The Hon. A. Fraser
G. W. Cole
T. T. a'Beckett
W. H. Pettett (*Teller*).

Not Contents, 17.

The Hon. T. H. Fellows
C. Sladen
R. S. Anderson
W. Campbell
Dr. Hope
Dr. Wilkie
J. P. Bear
N. Black
T. Learmonth
W. Degraives
H. M. Murphy
W. Highett
J. F. Strachan
J. P. Fawkner
R. Turnbull
J. Graham
W. H. F. Mitchell (*Teller*).

The question was therefore negatived.

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

Question—That this Bill be referred to a Select Committee, consisting of the Honorables T. T. a'Beckett, R. S. Anderson, T. H. Fellows, J. Graham, W. Highett, J. P. Fawkner, and the Mover; and that such committee have power to call for persons and papers—put and passed.

The Honorable C. Sladen moved, That the Select Committee have power to sit during adjournments of the House.

Question—put and passed.

ROYAL ASSENT TO BILLS.—The President announced to the Council that he had received a communication from the Private Secretary, intimating that it is the intention of His Excellency the Governor to proceed to the Legislative Council Chamber on Thursday, the 4th instant, at a quarter past four o'clock, to assent in Her Majesty's name to certain Bills passed by the Legislative Council and Legislative Assembly.

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

1. Swamp, Portion of Snake Island—Conditions of Lease for reclamation of, proposed to be granted to P. Snodgrass, Esq.
2. Swamp, Parish of Gisborne—Conditions of Lease for reclamation of, proposed to be granted to Messrs. T. F. Hamilton and W. Robertson.

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 request that the Legislative Council will give permission to G. W. Rusden, Esq., Clerk of the Legislative Council, to attend and give evidence before the Committee of the Legislative Assembly on the case of Mr. J. F. V. Fitzgerald.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
2nd July, 1867.

PERMISSION FOR CLERK OF COUNCIL TO ATTEND TO GIVE EVIDENCE.—The Honorable G. W. Cole moved, That permission be given to the Clerk of the House to attend and give evidence, as requested by the Legislative Assembly, and that a Message be sent to the Legislative Assembly to acquaint them that such permission has been given.

Question—put and passed.

LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—The Honorable T. T. a'Beckett moved, That the Order of the Day for the further consideration of the Message from the Legislative Assembly returning this Bill be postponed till the next day of meeting of the Council.

Question—put and passed.

CONSOLIDATION ACTS AMENDMENT BILL.—The Honorable T. T. a'Beckett moved, That the Order of the Day for the second reading of this Bill be postponed until this day week.

Question—put and passed.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 3RD JULY, 1867.

Government Business.

ORDER OF THE DAY :—

1. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—Further consideration of Message from Legislative Assembly.

General Business.

NOTICE OF MOTION :—

1. The Hon. W. DEGRAVES : To move, That, in the opinion of this House, any claims for gratuity in lieu of pensions to any individual should be made the subject of a Bill, in order to give this House an opportunity of considering the same.

TUESDAY, 9TH JULY.

ORDER OF THE DAY :—

1. CONSOLIDATION ACTS AMENDMENT BILL.—To be read a second time.

MEETINGS OF SELECT COMMITTEES.

Wednesday, 3rd July.

STANDING ORDERS—at half-past 2 o'clock.

INSOLVENCY LAW AMENDMENT BILL—at half-past 2 o'clock.

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

No. 41.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 3RD JULY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Statistics of Victoria, 1866—Part 2.—Accumulation.
2. Statistics of Victoria, 1866—Part 3.—Finance.

Ordered severally to lie on the Table.

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

1. Mining Surveyors—Rules for, in Ararat, Beechworth, Castlemaine, Gipps Land, Maryborough, and Sandhurst Mining Districts.—Order in Council (3rd June, 1867).
2. Mining Surveyors, Ballarat District—Rules for.—Order in Council (3rd June, 1867).
3. Mining Operations.—Lands excepted from, being required for Reserve for Watershed to Reservoir on Mollison's Creek (17th June, 1867).

Ordered severally to lie on the Table.

CONSTITUTION OF COUNCIL BILL.—The Honorable W. H. F. Mitchell brought in a Bill prepared in conformity with the Report of the Select Committee to which was referred the subject of altering and amending the Constitution of the Council, and moved, That the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

Ordered—That the Bill be printed, and that the second reading be made an Order of the Day for Tuesday, the 16th instant.

LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the further consideration of the Message from the Legislative Assembly with this Bill being read, the President made the following statement :—

In this case an amendment was made by the Council in the 18th clause, by striking out certain words. The Assembly have agreed to this amendment, but on condition that certain other words are substituted in their place. I have not found any precedent for this practice, although I would not undertake to say that precedents may not have occurred. A difference, as it appears to me, exists between amending a proposition, and substituting an entirely new one in its stead. There is also a well marked difference between the principle which governs original amendments and that which governs amendments on amendments. Original amendments may reverse the sense of any proposition submitted for approval ; but amendments on amendments should preserve the substance of the original amendment, under greater or less modifications. If a whole clause is struck out by one House, the only question for the other House is, to agree or disagree to this ; and what applies to a whole clause applies to a part of a clause, for in both cases nothing is left on which an amendment can be grafted. It may, however, be alleged that, as the Council struck out certain words of the 18th clause because they made certain acts, to be done by hospitals, compulsory, the Assembly, by making these same acts optional (as they have done by their amendments), have virtually preserved the substance of the original amendment, although they have clothed it with words of their own. I am of opinion, therefore, that, although in form this amendment of the Assembly is irregular, it ought to be allowed.

The following amendment, made by the Legislative Assembly on the amendment made by the Council in clause 18 of the Bill, was read:—

Agreed to leave out all words after “Act” in line 45, with the insertion of the following words in the place of the words omitted, viz. :—

“The committee or other body, or the persons in whose hands shall be vested the management of any public hospital, may, with the consent of the Governor in Council, provide wards for the temporary reception of lunatic patients, and thereupon the Governor in Council may, from time to time, make and alter and rescind orders and regulations for the registration, treatment, dietary, and inspection of patients in such wards, and for the discharge, or transfer, or removal of patients therefrom.”

The Honorable T. T. a’Beckett moved, That this House do agree to the amendment.

Question—put and passed.

The following amendments made by the Council in the Bill, and not agreed to by the Legislative Assembly, were read, and, on the motion of the Honorable T. T. a’Beckett, it was severally resolved not to insist on them:—

Clause 1, line 11; leave out “and hospitals.”

Clause 3, line 24 (p. 3), leave out, “the word hospital shall apply to such part only of any hospital as shall be devoted to the reception of lunatics or of patients within the meaning of this Act.”

Clause 4, line 15, leave out “or hospital.”

„ line 18, leave out “hospital.”

Clause 8, line 35, leave out “or hospital.”

„ line 37, leave out “hospital.”

Clause 10, line 22, leave out “or hospital.”

Clause 11, line 34, leave out “hospital.”

„ line 45, leave out “hospital.”

„ line 6 (p. 8), leave out “hospital.”

„ line 15, leave out “hospital.”

„ line 20, leave out “hospital.”

„ line 27, leave out “hospital.”

„ line 30, leave out “hospital.”

Clause 12, line 38, leave out “hospital.”

Clause 13, line 43, leave out “hospital.”

„ line 47, leave out “or hospital.”

„ line 5 (p. 9), leave out “hospital.”

„ line 7, leave out “hospital.”

Clause 14, line 17, leave out “hospital.”

„ line 21, leave out “hospital.”

Clause 15, line 35, leave out “hospital.”

Clause 16, line 39, leave out “hospital.”

„ line 45, leave out “hospital.”

„ line 2 (p. 10), leave out “hospital.”

Clause 17, line 36, after “order,” insert “or warrant.”

Clause 44, line 37, leave out “hospital.”

„ line 45, leave out “hospital.”

Clause 45, line 34, leave out “hospital or an.”

Clause 46, line 21, leave out “hospital.”

„ line 23, leave out “hospital.”

„ line 25, leave out “or the committee of the hospital.”

Clause 48, line 4, leave out “hospitals.”

The Honorable T. T. a’Beckett moved, That the Council do not insist on the following amendment:—

Clause 48, line 5, leave out “who may also be the superintendent of a public asylum.”

Amendment moved by the Honorable R. S. Anderson, That the word “not” be omitted from the question.

Debate ensued.

Question—That the word “not,” proposed to be omitted, stand part of the question—put and negatived.

Question—That the Council do insist on the amendment—put and passed.

The following amendments, made by the Council in the Bill, and not agreed to by the Legislative Assembly, were read, and, on the motion of the Honorable T. T. a’Beckett, it was severally resolved not to insist on them:—

Clause 48, line 7, leave out “hospitals.”

Clause 49, line 16, leave out “and hospital.”

„ line 23, leave out “hospital.”

„ line 31, leave out “hospital.”

„ line 33, leave out “hospital.”

- Clause 50, line 45, leave out "and the committee or the manager of every hospital."
 ,, line 3 (p. 22), leave out "committeeman."
 ,, line 4, leave out "or hospital."
 ,, line 7, leave out "hospital."
 ,, line 13, leave out "hospital."
 Clause 55, line 13, leave out "hospital."
 ,, line 20, leave out "or the committee of any hospital."
 Clause 58, line 12, leave out "or the committee of such hospital."
 ,, line 17, leave out "hospital."
 ,, line 19, leave out "or the committee of any such hospital."
 Clause 61, line 28, leave out "hospital."
 Clause 62, line 35, leave out "hospital."
 Clause 63, line 44, leave out "hospital."
 ,, line 45, leave out "hospital."
 ,, line 3 (p. 26), leave out "or the committee or the manager of the hospital."
 ,, line 5, leave out "or the committee or the manager of the hospital."
 ,, line 8, leave out "hospital."
 Clause 64, line 11, leave out "hospital."
 ,, line 17, leave out "hospital."
 ,, line 27, leave out "hospital."
 ,, line 29, leave out "hospital."
 Clause 65, line 6 (p. 27), leave out "or the committee or the manager of the hospital."
 Clause 66, line 21, leave out "hospital."
 ,, line 22, leave out "hospital."
 ,, line 24, leave out "hospital."
 Clause 68, line 35, leave out "hospital."
 Clause 70, line 6, leave out "hospital."
 Clause 71, line 23, leave out, "or the manager, or any one of the committee, or a medical officer of such hospital."
 Clause 73, line 41, leave out "hospital."
 ,, line 42, leave out "or the manager or committee of such hospital."
 Clause 145, line 31, leave out "and of all committees of hospitals under this Act."
 Clause 184, line 45, leave out "hospitals."
 Clause 190, line 22, leave out "hospital."
 ,, line 24, leave out "hospital."
 Second Schedule, in the 4th, 5th, and 12th lines leave out the words "or hospital."
 Eighth Schedule, in the 10th, 11th, and 17th lines leave out the words "or hospital."
 Tenth Schedule, in the 1st and 11th lines leave out the words "or hospital."
 Nineteenth Schedule, in the 1st line leave out "or hospital."

The Honorable C. Sladen moved, That the following consequential amendment be made in line 18 of clause 4 of the Bill, after the word "that" :—

"Such justices may commit any person so apprehended to any hospital for safe custody pending any such examination, and may from time to time remand such person Provided also that"

Debate ensued.

Question—put and passed.

The Honorable C. Sladen moved, That the following consequential amendment be added at the end of clause 7 of the Bill :—

"Provided always that such justices may commit any person so apprehended to any hospital for safe custody pending any such examination, and may from time to time remand such person."

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council still insist on certain amendments, do not insist on certain amendments, and have made, in clauses 4 and 7, two amendments consequential upon the amendment made by the Legislative Assembly on the amendment made by the Legislative Council in clause 18 of the Bill.

CONSTITUTION OF COUNCIL BILL.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That leave be given to make any clerical alterations in this Bill during the printing thereof.

Question—put and passed.

GRATUITIES OR PENSIONS.—The Honorable W. Degraives, in accordance with *amended* notice, moved, That, in the opinion of this House, any claims for gratuity or pensions to any individual should be made the subject of a Bill, in order to give this House an opportunity of considering the same.

Debate ensued.

Motion, by leave, withdrawn.

The Council adjourned at ten minutes to six o'clock until four o'clock on Thursday, the 4th instant.

ORDERS OF THE DAY.

 TUESDAY, 9TH JULY, 1867.

ORDER OF THE DAY :—

1. CONSOLIDATION ACTS AMENDMENT BILL.—To be read a second time.
-

TUESDAY, 16TH JULY.

ORDER OF THE DAY :—

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

MEETING
OF
SELECT COMMITTEE.

Tuesday, 9th July.

INSOLVENCY LAW AMENDMENT BILL—at 1 o'clock.

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

No. 42.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 4TH JULY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

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

“ An Act to enable the Shareholders of a Joint Stock Insurance Company established in the Colony of Victoria under the name or style of ‘ The Australian Alliance Assurance Company ’ to sue and be sued in the name of the Chairman for the time being of the Directors of the Company and for other purposes.”

“ An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties.”

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

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

“ J. H. T. MANNERS SUTTON,
“ Governor.”

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

Mr. Speaker and the Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

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

Swamp in Parish of Wurruck-Wurruck—Conditions of Lease for reclamation of, proposed to be granted to William Pearson, Esquire.

Ordered to lie on the Table.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled, “ *An Act to amend the Laws relating to or affecting Public Health,*” and acquaint the Legislative Council that the Legislative Assembly are sensible of the great difficulties connected with the adoption of legal provisions capable of being enforced for preventing the pollution of rivers by sewage, and by liquid matter discharged from manufactories and machinery used in gold washing. In view of these difficulties, and in the absence of precise information respecting the present condition of the various rivers and streams in Victoria, the Legislative Assembly abstained in the first instance from considering, in connection with this Bill, the general subject of the pollution of rivers. They subsequently declined, for the same reasons, to consider on their merits the amendments made by the Legislative Council in clauses 32 and 36. The Legislative Assembly regret that the Legislative Council have insisted upon these amendments. The Legislative

Assembly are, however, too deeply concerned at the present confessedly defective state of the laws relating to public health to forbear making any effort or concession that may be possible on their part for the purpose of reforming those laws. They have, therefore, considered the amendments of the Legislative Council in clauses 32 and 36, and they inform the Legislative Council that they have agreed to those amendments, with such further amendments as have appeared to the Legislative Assembly to be necessary, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 4th July, 1867.

FRANS. MURPHY,
Speaker.

PUBLIC HEALTH LAWS AMENDMENT BILL.—MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—
The Honorable G. W. Cole moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 9TH JULY, 1867.

NOTICE OF MOTION :—

1. The Hon. J. P. FAWKNER: To move, That there be a call of the House to consider the amendments in the Public Health Bill with regard to the pollution of rivers.

ORDERS OF THE DAY :—

1. CONSOLIDATION ACTS AMENDMENT BILL.—To be read a second time.
2. PUBLIC HEALTH LAWS AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

TUESDAY, 16TH JULY.

ORDER OF THE DAY :—

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

MEETING OF SELECT COMMITTEE.

Tuesday, 9th July.

INSOLVENCY LAW AMENDMENT BILL—at 1 o'clock.

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

Minutes of the Proceedings OF THE LEGISLATIVE COUNCIL.

TUESDAY, 9TH JULY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable G. W. Cole, by command of His Excellency the Governor, laid on the Table the following paper :—

Criminal Statistics :—Victoria, 1866.

Ordered to lie on the Table.

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

Local Government Act (No. 176).—Second Report of Assistant Commissioner of Roads and Bridges (for period 1st January, 1865, to 31st December, 1866), with Appendices.

Ordered to lie on the Table.

CONSOLIDATION ACTS AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable T. T. a'Beckett moved, That the Order of the Day be postponed until Tuesday next.

Question—put and passed.

PUBLIC HEALTH LAWS AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, The Honorable T. T. a'Beckett moved, That the Council do agree to the following amendment made by the Legislative Assembly on the amendment made by the Legislative Council in Clause 32, line 6, of the Bill, viz., to add thereto the following words :—

“Except in cases where it shall not be practicable in the opinion of the local board otherwise to dispose of such contents.”

Amendment moved by the Honorable T. H. Fellows, that the words “in the opinion of the local board” be omitted from the question.

Debate ensued.

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

Council divided.

<p>Contents, 13.</p> <p>The Hon. G. W. Cole T. T. a'Beckett J. Henty C. J. Jenner J. McCrae S. G. Henty R. Turnbull A. Fraser W. Degraives J. P. Bear J. Graham J. Sherwin W. H. Pettett (<i>Teller</i>).</p>	<p>Not Contents, 12.</p> <p>The Hon. T. H. Fellows C. Sladen W. H. F. Mitchell W. Campbell Dr. Wilkie N. Black H. M. Murphy B. Williams T. Learmonth J. P. Fawkner W. Highett R. S. Anderson (<i>Teller</i>).</p>
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The question was therefore passed.

Question—That the Council do agree to the amendment made by the Legislative Assembly on the amendment made by the Legislative Council in Clause 32, line 6, of the Bill, viz., to add thereto the following words :—“Except in cases where it shall not be practicable in the opinion of the local board otherwise to dispose of such contents”—put and passed.

The Honorable T. T. a'Beckett moved, That the Council do agree to the amendment made by the Legislative Assembly on the amendment made by the Legislative Council in clause 36, line 4, of the Bill; viz., to insert after the word "being" in the said amendment, the words "in any case where another place of deposit or discharge shall have been constructed or erected as aforesaid."

Debate ensued.

Question—put.

Council divided.

Contents, 13.

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

Not Contents, 12.

The Hon. T. H. Fellows
 R. S. Anderson
 C. Sladen
 W. Campbell
 Dr. Wilkie
 N. Black
 H. M. Murphy
 B. Williams
 T. Learmonth
 J. P. Fawkner
 W. Highett
 W. H. F. Mitchell (*Teller*).

The question was therefore passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments.

PAPER.—The Honorable G. W. Cole laid on the Table the following paper :—
 Willis, Mr. A., Claim of—Report of Board on (20th February, 1867).

Ordered to lie on the Table.

CONVICTED PRISONERS DISCHARGED BEFORE COMPLETION OF SENTENCES.—The Honorable G. W. Cole laid on the Table a Return to the Order of the House made on the 1st May.

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 half-past five o'clock until four o'clock on Tuesday, the 16th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 16TH JULY, 1867.

NOTICE OF MOTION :—

1. The Hon. T. H. FELLOWS: To move, That a Select Committee be appointed to enquire into the administration of the Department of the Law Offices of the Crown, with power to call for persons and papers, and to sit during the adjournment of the House; such Committee to consist of The Honorables G. W. Cole, W. Highett, J. F. Strachan, W. H. F. Mitchell, W. Campbell, C. J. Jenner, and the Mover.

ORDERS OF THE DAY :—

1. CONSTITUTION OF COUNCIL BILL.—To be read a second time.
2. CONSOLIDATION ACTS AMENDMENT BILL.—To be read a second time.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 10th July.

INSOLVENCY LAW AMENDMENT BILL—at 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 44.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 16TH JULY, 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 :—

1867.

VICTORIA.

Visit of His Royal Highness the Duke of Edinburgh.

J. H. T. MANNERS SUTTON,
Governor.

The Governor transmits to the Legislative Council the accompanying copy of a Despatch, in which the Right Honorable the Secretary of State has communicated to him the gratifying intelligence that Her Majesty's ship *Galatea*, under the command of His Royal Highness the Duke of Edinburgh, is about to proceed on service, and will probably visit this colony in the course of the present year.

Government Offices,
Melbourne, July, 1867.

The despatch, with enclosures, was read at the Table by the Clerk.

Message and enclosures ordered to lie on the Table.

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

1867.

VICTORIA.

Defences of the Colony.

J. H. T. MANNERS SUTTON,
Governor.

The Governor transmits to the Legislative Council a copy of a Despatch from the Right Honorable the Secretary of State, acknowledging the receipt of two Addresses to the Queen from the Legislative Council and Legislative Assembly of Victoria, thanking Her Majesty for the assistance granted to the colony towards the defences.

Government Offices,
Melbourne, July, 1867.

Message and enclosure ordered to lie on the Table.

PAPER.—The Honorable G. W. Cole, by command of His Excellency the Governor, presented to the Council the following Paper :—

Diseases—Return of, in various establishments, 1866. (Chief Medical Officer.)

Ordered to lie on the Table.

CONSTITUTION OF COUNCIL BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable W. H. F. Mitchell moved, That the Order of the Day be postponed until to-morrow.

Question—put and passed.

CONSOLIDATION ACTS AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable T. T. a'Beckett moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

Ordered.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled, “*An Act to consolidate and amend the laws relating to Lunatics*,” and acquaint the Legislative Council that the Legislative Assembly do not now insist on disagreeing with the amendments of the Legislative Council in clauses 17 and 48, and that they agree with the Legislative Council in their consequential amendments in clauses 4 and 7 of this Bill.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 16th July, 1867.

The Council adjourned at five o'clock until four o'clock on Wednesday, the 17th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 17TH JULY, 1867.

Government Business.

ORDER OF THE DAY :—

1. CONSOLIDATION ACTS AMENDMENT BILL.—To be further considered in Committee.

General Business.

1. The Hon. R. S. ANDERSON : To ask the Honorable Member representing the Government, Whether the returns as to the amounts available for Immigration purposes during the last five years, from the sale, lease, and occupation of Crown lands, and the amount expended for such purposes during such period, will be available for the information of Honorable Members during the present session.

NOTICE OF MOTION :—

1. The Hon. T. H. FELLOWS : To move, That a Select Committee be appointed to enquire into the administration of the department of the Law Offices of the Crown, with power to call for persons and papers, and to sit during the adjournment of the House ; such Committee to consist of the Honorables G. W. Cole, W. Highett, J. F. Strachan, W. H. F. Mitchell, W. Campbell, C. J. Jenner, and the Mover.

ORDER OF THE DAY :—

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

MEETING

OF

SELECT COMMITTEE.

Wednesday, 17th July.

INSOLVENCY LAW AMENDMENT BILL—at 2 o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 17TH JULY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

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

The Honorable T. T. a'Beckett moved, That the Bill be now re-committed.

Question—put and passed.

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

President left the Chair.

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

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to amend an Act intituled 'An Act to limit the number of persons holding offices under the Crown who may sit and vote in the Legislative Council and Legislative Assembly of Victoria;'*"

Also a Bill intituled, "*An Act to make permanent provision for a Branch of the Royal Mint in Victoria;'*"

with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th July, 1867.

OFFICIALS IN PARLIAMENT BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time, printed, and read a second time this day week.

Question—put and passed.

Bill read a first time.

ROYAL MINT BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Question—put and passed.

Bill read a first time.

CONSOLIDATION ACTS AMENDMENT BILL.—The Honorable T. T. a'Beckett moved, That the adoption of the Report of the Committee of the whole Council on this Bill be made an Order of the Day for to-morrow.

Question—put and passed.

IMMIGRATION EXPENDITURE, ETC.—The Honorable G. W. Cole laid on the Table certain correspondence between the Treasury and Customs Departments, relative to the Order of the Council made on the 6th ultimo.

Ordered to lie on the Table.

LAW OFFICES DEPARTMENT.—The Honorable T. H. Fellows, in accordance with *amended* notice, moved, That a Select Committee be appointed to enquire into the administration of the department of the Law Offices of the Crown, with power to call for persons and papers, and to sit during the adjournment of the House; such Committee to consist of the Honorables W. Highett, J. F. Strachan, W. H. F. Mitchell, W. Campbell, C. J. Jenner, and the Mover.

Debate ensued.

Question—put and passed.

CONSTITUTION OF COUNCIL BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable W. H. F. Mitchell moved, That the Order of the Day be postponed until to-morrow.

Question—put and passed.

The Council adjourned at ten minutes past six o'clock until four o'clock on Thursday, the 18th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 18TH JULY, 1867.

NOTICES OF MOTION :—

1. The Hon. C. SLADEN : To move for leave to introduce a Bill for the amendment of the Transfer of Land Statute.
2. The Hon. C. SLADEN : To move for leave to introduce a Bill for the amendment of the Real Property Statute 1864.
3. The Hon. C. SLADEN : To move for leave to introduce a Bill for the amendment of the Public Works Statute 1865.
4. The Hon. C. SLADEN : To move for leave to introduce a Bill for the amendment of the Justices of the Peace Statute 1865.
5. The Hon. C. SLADEN : To move for leave to introduce a Bill for the amendment of the Passengers, Harbors, and Navigation Statute 1865.
6. The Hon. C. SLADEN : To move for leave to introduce a Bill for the Protection of Fisheries and Game.
7. The Hon. C. SLADEN : To move for leave to introduce a Bill for the amendment of the Instruments and Securities Statute 1864.
8. The Hon. C. SLADEN : To move, That the Order of the Day for the second reading of the Constitution of Council Bill be discharged, with the view to endeavour to procure the appointment of a Conference of Committees of the two Houses to consider the subject-matter of it, together with other things.

That this House appoint six Members to confer with the like number of Members of the Legislative Assembly upon the constitution of the Council and Assembly respectively, the registration of electors, the boundaries of the provinces and electoral districts, the distribution of seats, and also upon the subject of the representation of minorities ; and to report what alterations, additions, or improvements, if any, may be desirable, with a view to the greater efficiency and harmony of the two branches of the Legislature.

ORDERS OF THE DAY :—

1. CONSOLIDATION ACTS AMENDMENT BILL.—Adoption of Report.
2. CONSTITUTION OF COUNCIL BILL.—To be read a second time.

TUESDAY, 23RD JULY.

ORDER OF THE DAY :—

1. ROYAL MINT BILL.—To be read a second time.

WEDNESDAY, 24TH JULY.

Government Business.

ORDER OF THE DAY :—

1. OFFICIALS IN PARLIAMENT ACT AMENDMENT BILL.—To be read a second time.

MEETING
OF
SELECT COMMITTEE.

Tuesday, 23rd July.

INSOLVENCY LAW AMENDMENT BILL—at 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 18TH JULY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

CONSOLIDATION ACTS AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable C. Sladen moved, That the Order of the Day be discharged.

Debate ensued.

Question—put and passed.

CONSTITUTION OF COUNCIL BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. H. F. Mitchell moved, That the Order of the Day be discharged.

Question—put and passed.

TRANSFER OF LAND STATUTE AMENDMENT BILL.—The Honorable C. Sladen, in accordance with notice, moved, That leave be given to bring in a Bill for the amendment of the Transfer of Land Statute.

Question—put and passed.

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

REAL PROPERTY STATUTE AMENDMENT BILL.—The Honorable C. Sladen, in accordance with notice, moved, That leave be given to bring in a Bill for the amendment of the Real Property Statute 1864.

Question—put and passed.

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

PUBLIC WORKS STATUTE 1865 AMENDMENT BILL.—The Honorable C. Sladen, in accordance with notice, moved, That leave be given to bring in a Bill for the amendment of the Public Works Statute 1865.

Question—put and passed.

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

JUSTICES OF PEACE STATUTE 1865 AMENDMENT BILL.—The Honorable C. Sladen, in accordance with notice, moved, That leave be given to bring in a Bill for the amendment of the Justices of Peace Statute 1865.

Question—put and passed.

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

PASSENGERS, HARBORS, AND NAVIGATION STATUTE AMENDMENT BILL.—The Honorable C. Sladen, in accordance with notice, moved, That leave be given to bring in a Bill for the amendment of the Passengers, Harbors, and Navigation Statute 1865.

Question—put and passed.

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

GAME STATUTE 1867.—The Honorable C. Sladen, in accordance with *amended* notice, moved, That leave be given to bring in a Bill for the protection of Game.

Question—put and passed.

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

INSTRUMENTS AND SECURITIES STATUTE 1864 AMENDMENT BILL.—The Honorable C. Sladen, in accordance with notice, moved, That leave be given to bring in a Bill for the amendment of the Instruments and Securities Statute 1864.

Question—put and passed.

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

CONSTITUTION—CONFERENCE UPON.—The Honorable C. Sladen, in accordance with *amended* notice, moved, That this House appoint six Members to confer with the like number of Members of the Legislative Assembly upon the constitution of the Council and Assembly respectively, the registration of electors, the boundaries of the provinces and electoral districts, the distribution of seats, and also upon the subject of the representation of minorities; and to report what alterations, additions, or improvements, if any, may be desirable, with a view to the greater efficiency and harmony of the two branches of the Legislature.

Debate ensued.

Question—put and passed.

The Honorable C. Sladen, with leave of the Council, moved, without notice, That the members of the Committee be the Honorables R. S. Anderson, T. H. Fellows, W. Highett, T. Learmonth, W. H. F. Mitchell, and the Mover.

Question—put and passed.

The Honorable C. Sladen moved, That a Message be sent to the Legislative Assembly acquainting them that the Council have appointed a Committee to confer, and inviting them to appoint a Committee to confer with the Committee of the Council.

Question—put and passed.

The Council adjourned at twenty minutes to six o'clock until four o'clock on Tuesday, the 23rd instant.

ORDERS OF THE DAY.

TUESDAY, 23RD JULY, 1867.

ORDERS OF THE DAY :—

1. ROYAL MINT BILL.—To be read a second time.
2. TRANSFER OF LAND STATUTE AMENDMENT BILL.—To be read a second time.
3. REAL PROPERTY STATUTE 1864 AMENDMENT BILL.—To be read a second time.
4. PUBLIC WORKS STATUTE 1865 AMENDMENT BILL.—To be read a second time.
5. JUSTICES OF PEACE STATUTE 1865 AMENDMENT BILL.—To be read a second time.
6. PASSENGERS, HARBORS, AND NAVIGATION STATUTE 1865 AMENDMENT BILL.—To be read a second time.
7. GAME STATUTE 1867 BILL.—To be read a second time.
8. INSTRUMENTS AND SECURITIES STATUTE 1864 AMENDMENT BILL.—To be read a second time.

WEDNESDAY, 24TH JULY.

Government Business.

ORDER OF THE DAY :—

1. OFFICIALS IN PARLIAMENT BILL.—To be read a second time.

MEETING

OF

SELECT COMMITTEE.

Tuesday, 23rd July.

INSOLVENCY LAW AMENDMENT BILL—at 2 o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 23RD JULY, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

IMMIGRATION EXPENDITURE, ETC.—The Honorable G. W. Cole laid on the Table a Return in part, and a further Return in part, to the Order of the Council made on the 6th June, together with a memorandum in explanation thereof.

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

Mining Operations by the Hustler's Reef Railway Company authorized on exempted lands (8th July, 1867).

Ordered to lie on the Table.

PAPER.—The Honorable G. W. Cole, by command of His Excellency the Governor, presented to the Council the following Paper :—

University of Melbourne.—Report (Year ending 31st May, 1867).

Ordered to lie on the Table.

ROYAL MINT 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.

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.

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

The President left the Chair.

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

The Honorable G. W. Cole moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable 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 to make permanent provision for a Branch of the Royal Mint in Victoria.*"

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.

TRANSFER OF LAND STATUTE AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. Sladen moved, that the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable C. Sladen moved, That the Bill be considered this day in Committee of the whole Council.

Question—put and passed.

REAL PROPERTY STATUTE 1864 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. Sladen moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable C. Sladen moved, That the Bill be considered this day in Committee of the whole Council.

Question—put and passed.

PUBLIC WORKS STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, The Honorable C. Sladen moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable C. Sladen moved, That the Bill be considered this day in Committee of the whole Council.

Question—put and passed.

JUSTICES OF PEACE STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, The Honorable C. Sladen moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable C. Sladen moved, That the Bill be considered this day in Committee of the whole Council.

Question—put and passed.

PASSENGERS, HARBORS, AND NAVIGATION STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. Sladen moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable C. Sladen moved, That the Bill be considered this day in Committee of the whole Council.

Question—put and passed.

GAME STATUTE 1867 BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. Sladen moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable C. Sladen moved, That the Bill be considered this day in Committee of the whole Council.

Question—put and passed.

INSTRUMENTS AND SECURITIES STATUTE 1864 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. Sladen moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable C. Sladen moved, That the Bill be considered this day in Committee of the whole Council.

Question—put and passed.

The Honorable C. Sladen moved, That the President do now leave the Chair.

Question—put and passed.

The President left the Chair.

The Chairman of Committees reported progress on the Transfer of Land Statute Amendment Bill, and obtained leave to sit again on the next day of meeting.

The Chairman of Committees further reported that the Committee had gone through the Real Property Statute 1864 Amendment Bill; the Justices of Peace Statute 1865 Amendment Bill; the Passengers, Harbors, and Navigation Statute 1865 Amendment Bill; and the Instruments and Securities Statute 1864 Amendment Bill, and had agreed to the same without amendment; and had gone through the Public Works Statute 1865 Amendment Bill, and the Game Statute 1867 Bill, with amendments.

REAL PROPERTY STATUTE 1864 AMENDMENT BILL.—The Honorable C. Sladen moved, That the Report of the Committee on this Bill be now adopted.

Question—put and passed.

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

The Honorable C. Sladen moved, That the title of the Bill be "*An Act to amend the Real Property Statute 1864.*"

Question—put and passed.

PUBLIC WORKS STATUTE 1865 AMENDMENT BILL.—The Honorable C. Sladen moved, That the Report of the Committee on this Bill be now adopted.

Question—put and passed.

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

The Honorable C. Sladen moved, That the title of the Bill be "*An Act to amend the Public Works Statute 1865.*"

Question—put and passed.

JUSTICES OF PEACE STATUTE 1865 AMENDMENT BILL.—The Honorable C. Sladen moved, That the Report of the Committee on this Bill be now adopted.

Question—put and passed.

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

The Honorable C. Sladen moved, That the title of the Bill be "*An Act to amend the Justices of the Peace Statute 1865.*"

Question—put and passed.

PASSENGERS, HARBORS, AND NAVIGATION STATUTE 1865 AMENDMENT BILL.—The Honorable C. Sladen moved, That the Report of the Committee on this Bill be now adopted.

Question—put and passed.

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

The Honorable C. Sladen moved, That the title of the Bill be "*An Act to amend the Passengers Harbors and Navigation Statute 1865.*"

Question—put and passed.

GAME STATUTE 1867 BILL.—The Honorable C. Sladen moved, That the Report of the Committee on this Bill be now adopted.

Question—put and passed.

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

The Honorable C. Sladen moved, That the title of the Bill be "*An Act to protect Game.*"

Question—put and passed.

INSTRUMENTS AND SECURITIES STATUTE 1864 AMENDMENT BILL.—The Honorable C. Sladen moved, That the Report of the Committee on this Bill be now adopted.

Question—put and passed.

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

The Honorable C. Sladen moved, that the title of the Bill be "*An Act to amend the Instruments and Securities Statute 1864.*"

Question—put and passed.

Ordered—That the above Bills be carried to the Legislative Assembly with a Message desiring their concurrence therewith.

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

Question—put and passed.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 30TH JULY, 1867.

NOTICE OF MOTION:—

1. The Hon. C. SLADEN: To move for leave to introduce a Bill to amend the Mining Statute 1865.

ORDERS OF THE DAY:—

1. TRANSFER OF LAND STATUTE AMENDMENT BILL.—To be further considered in Committee.
2. OFFICIALS IN PARLIAMENT BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Wednesday, 24th July.

INSOLVENCY LAW AMENDMENT BILL—at 3 o'clock.

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

108

No. 48.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 30TH JULY, 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. Races, Drains, Dams, and Reservoirs—Regulations respecting Licenses to cut, construct, and use, under Mining Statute, 1865.—Order in Council (15th July, 1867).
2. Mineral Leases.—Regulations altering Regulations of 24th December, 1866.—Order in Council (15th July, 1867).
3. Gold Mining Leases altered.—Regulations altering Regulations of 24th December, 1866.—Order in Council (15th July, 1867).

Ordered severally to lie on the Table.

MINUTE BY THE LATE GOVERNOR.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That a Message be sent to the Legislative Assembly informing them that the Legislative Council having had under their consideration a Minute by the late Governor, announcing his relief from his duties as Representative of the Queen, and various despatches and papers in connection therewith, request that the Legislative Assembly will be pleased to communicate to the Legislative Council a copy of the Report from the Committee appointed by the Legislative Assembly on the third day of May, in last year, to prepare an Address to His Excellency Sir Charles Henry Darling, and to consider and report on the steps the Legislative Assembly should take with reference to his being relieved from his position as Officer Administering Her Majesty's Government in this Colony.

Question—put and passed.

MINING STATUTE 1865 AMENDMENT BILL.—The Honorable C. Sladen, in accordance with notice, moved, That leave be given to bring in a Bill to amend the Mining Statute 1865.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable C. Sladen, read a first time.

The Honorable C. Sladen moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time, and, on the motion of the Honorable C. Sladen, ordered to be committed to the consideration of a Committee of the whole Council.

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

The President left the Chair.

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

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

Question—put and passed.

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

The Honorable C. Sladen moved, That the title of the Bill be, "*An Act to amend the Mining Statute 1865.*"

Question—put and passed.

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

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

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

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

Question—put and passed.

OFFICIALS IN PARLIAMENT BILL.—The Order of the Day for the second reading of this Bill being read, and the same not being moved and seconded, the President announced that he was unable to put any question thereupon to the House.

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 a quarter to five o'clock until four o'clock on Tuesday, the 6th proximo.

ORDER OF THE DAY.

TUESDAY, 6TH AUGUST, 1867.

ORDER OF THE DAY:—

1. **TRANSFER OF LAND STATUTE AMENDMENT BILL.**—Adoption of Report.
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MEETINGS

OF

SELECT COMMITTEES.

Wednesday, 31st July.

LAW OFFICES DEPARTMENT—at 2 o'clock.

STANDING ORDERS—at quarter to 3 o'clock.

INSOLVENCY LAW AMENDMENT BILL—at 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 6TH AUGUST, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

STANDING ORDERS COMMITTEE.—The Honorable C. Sladen brought up a Progress Report from the Standing Orders Committee, and moved, That the Report be printed.

Question—put and passed.

PRECEDENTS.—The Honorable C. Sladen, with leave of the Council, moved, without notice, That a Select Committee of ten Members be appointed to search for Precedents as to the usage and practice of the Imperial Parliament with respect to grants of money made under extraordinary and exceptional circumstances, and that such Committee consist of The Honorables the President, T. H. Fellows, W. H. F. Mitchell, W. Highett, J. P. Fawcner, J. F. Strachan, J. P. Bear, A. Fraser, W. Campbell, and the Mover.

Debate ensued

Question—put and passed.

The Honorable C. Sladen moved, That the Committee have leave to sit during any adjournments of the House.

Question—put and passed.

TRANSFER OF LAND STATUTE AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable C. Sladen moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable C. Sladen moved, That the title of the Bill be, "*An Act to amend the Transfer of Land Statute.*"

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to explain certain provisions in the Act of Parliament of Victoria No. 295,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 6th August, 1867.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a copy of the Report from the Committee appointed by the Legislative Assembly on the 3rd day of May last year to prepare an Address to His Excellency Sir Charles Henry Darling, and to consider and report on the steps the Legislative Assembly should take with reference to his being relieved from his position as Officer Administering Her Majesty's Government in this Colony, as requested by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 6th August, 1867.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending certain amendments in the Bill intituled "*An Act to amend the laws relating to or affecting Public Health,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to such amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 6th August, 1867.

FRANS. MURPHY,
Speaker.

J. H. T. MANNERS SUTTON,
Governor.

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

Clause 61, line 7, after "premises," insert the words "or any other person whosoever"; same line, after "thereof," insert "or the agent thereof aforesaid"; line 9, after "Act," insert the words, "or of any order, bye-law, regulation, or direction made hereunder."

The Governor also recommends—Clause 19, line 4, strike out the words following "fit," down to and inclusive of "provision" in the following line, and insert in their place the following words, "for the purpose of carrying this Part of this Act into execution within their jurisdiction."

Clause 48, line 3, after "drains," insert the words "or sewers"; line 7, insert in two places after the word "drains," the words "or sewers." At the end of the clause, after the word "drain," insert the words "or sewer." In marginal note, insert "or sewers," after "drains."

Government Offices,
Melbourne, July, 1867.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending an amendment in the Bill intituled, "*An Act to consolidate and amend the law relating to Lunatics,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to such amendment, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 6th August, 1867.

FRANS. MURPHY,
Speaker.

J. H. T. MANNERS SUTTON,
Governor.

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

Clause 1, line 1, strike out "June," and substitute "September."

Government Offices,
Melbourne, 24th July, 1867.

APPROPRIATION ACT 295 EXPLANATION BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time and printed, and the second reading be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

MINUTE OF THE LATE GOVERNOR.—The Honorable T. H. Fellows moved, That the Message from the Legislative Assembly conveying, "a copy of the Report from the Committee appointed by the Legislative Assembly, on the 3rd of May in last year, to prepare an Address to His Excellency Sir Charles Henry Darling, and to consider and report on the steps the Legislative Assembly should take with reference to his being relieved from his position as Officer Administering Her Majesty's Government in this Colony," be referred to the Committee on Precedents.

Question—put and passed.

PUBLIC HEALTH LAWS AMENDMENT BILL.—The Honorable T. T. a'Beckett moved, That the consideration of the Message from His Excellency the Governor recommending amendments in this Bill, as transmitted to this House by the Legislative Assembly, be made an Order of the Day for to-morrow.

Question—put and passed.

LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—The Honorable T. T. a'Beckett moved, That the consideration of the Message from His Excellency the Governor recommending amendments in this Bill, as transmitted to this House by the Legislative Assembly, be made an Order of the Day for to-morrow.

Question—put and passed.

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

ORDERS OF THE DAY.

WEDNESDAY, 7TH AUGUST, 1867.

1. The Hon. H. M. MURPHY: To ask the Honorable Member representing the Government when it is the intention of the Ministry to relieve the Civil Servants from "*the cruel and unjustifiable punishment*" to which they are now subjected through non-payment of salaries, and whether they have considered the justice of re-couping the public creditor by a payment of interest, or otherwise, for any special damage resulting from non-payment of debts due by the State.

ORDERS OF THE DAY:—

1. APPROPRIATION ACT NO. 295 EXPLANATION BILL.—To be read a second time.
2. PUBLIC HEALTH LAWS AMENDMENT BILL.—Consideration of amendments recommended by the Governor.
3. LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—Consideration of amendments recommended by the Governor.

MEETINGS

OF

SELECT COMMITTEES.

Wednesday, 7th August.

INSOLVENCY LAW AMENDMENT BILL—at 2 o'clock.

PRECEDENTS—at rising of Council.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

114

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 7TH AUGUST, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

APPROPRIATION ACT NO. 295 EXPLANATION 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.

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.

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

The President left the Chair.

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

The Honorable 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 to explain certain provisions in the Act of Parliament of Victoria No. 295.*"

Question—put and passed.

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

PUBLIC HEALTH LAWS AMENDMENT BILL.—The Order of the Day for the consideration of the amendments recommended by His Excellency the Governor in this Bill being read, the same were severally read and agreed to, on the motion of the Honorable T. T. a'Beckett, as follows :—

Clause 61, line 7, after "premises," insert the words "or any other person whosoever"; same line, after "thereof," insert "or the agent thereof aforesaid"; line 9, after "Act," insert the words, "or of any order, bye-law, regulation, or direction made hereunder."

Clause 19, line 4, strike out the words following "fit," down to and inclusive of "provision" in the following line, and insert in their place the following words, "for the purpose of carrying this Part of this Act into execution within their jurisdiction."

Clause 48, line 3, after "drains," insert the words "or sewers"; line 7, insert in two places after the word "drains," the words "or sewers." At the end of the clause, after the word "drain," insert the words "or sewer." In marginal note, insert "or sewers," after "drains."

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

LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the consideration of the amendment recommended by His Excellency the Governor in this Bill being read, the same was read, and, on the motion of the Honorable T. T. a'Beckett, agreed to, as follows :—

Clause 1, line 1, strike out "June" and substitute "September."

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendment.

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 five o'clock until four o'clock on Tuesday, the 13th instant.

MEETINGS
OF
SELECT COMMITTEES.

Thursday, 8th August.

PRECEDENTS—at 1 o'clock.

Tuesday, 13th August.

INSOLVENCY LAW AMENDMENT BILL—at half-past 3 o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 13TH AUGUST, 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. Education, Board of—Appendices IV, V, VI, to the Fifth Report of.
2. Statistics of Victoria, 1866.—Part IV.—Law, Crime, &c.

Ordered severally to lie on the Table.

INSOLVENCY LAW AMENDMENT BILL.—The Honorable C. Sladen brought up a Report from the Select Committee to which this Bill was referred on the 2nd ultimo, and moved that the same be printed.

Question—put and passed.

PRECEDENTS COMMITTEE.—The Honorable C. Sladen, on behalf of the Chairman of the Committee, brought up a Report from the Committee appointed on the 6th instant.

The Report was read at the Table by the Clerk.

The Honorable C. Sladen moved, That the Report be printed, with the Appendices.

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 Message from His Excellency the Governor, recommending an amendment in the Bill intituled, "*An Act to amend the Laws relating to or affecting Public Health,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment recommended by His Excellency the Governor, and request the concurrence of the Legislative Council therein.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 13th August, 1867.

J. H. T. MANNERS SUTTON,
Governor.

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

Clause 32, at the end add :—"*Provided further that nothing in this section contained shall be deemed to affect any of the provisions of Part IV of the Public Health Statute 1865.*"

Government Offices,
Melbourne, August, 1867.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to amend the Act 22 Victoria, No. 82, intituled, 'An Act to amend An Act intituled, 'An Act to regulate the temporal affairs of the Synod of Victoria, and to amend the law relating thereto,' and for other purposes therein mentioned ;'*"

Also a Bill intituled, "*An Act intituled, 'An Act to vest portion of Suburban Section 68, in the parish of Jika-Jika, and county of Bourke, in Her Majesty, and in the Mayor, Councillors, and Burgesses of the Borough of East Collingwood ;'*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 13th August, 1867.

PUBLIC HEALTH LAWS AMENDMENT BILL.—The Honorable T. T. a'Beckett moved, That the amendment recommended by His Excellency the Governor in clause 32 of this Bill be agreed to as follows :—At the end of clause add, “ Provided further that nothing in this section contained shall be deemed to affect any of the provisions of Part IV of the Public Health Statute 1865.”

Question—put and passed.

Ordered.—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendment.

COLLINGWOOD LAND VESTING BILL.—The Honorable J. P. Fawkner produced a certificate showing that a sum of twenty pounds had been paid into the hands of the Treasurer for the public uses of the colony, to meet the expenses of this Bill ; and, having stated that the said Bill had not been referred to a Select Committee of the Legislative Assembly, moved, That the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable J. P. Fawkner moved, That the second reading of the Bill be made an Order of the Day for the next day of meeting of the Council.

Question—put and passed.

SYNOD OF VICTORIA BILL.—The Honorable G. W. Cole moved, That a Message be sent to the Legislative Assembly to request that they will be pleased to communicate to this House copies of the Report and Proceedings of the Select Committee, if any, of that House on the Bill.

Question—put and passed.

PETITION.—The Honorable T. Learmonth presented a Petition, signed by W. H. Bowden and two others, styling themselves trustees of the Free Presbyterian Church at Connemare, praying that the Synod of Victoria Bill may not be passed, or that it may be amended so as to exclude the Free Presbyterian Church property at Connemare.

Petition received.

The Honorable T. Learmonth moved, That the Petition be referred to the Committee of the House to which the Synod of Victoria Bill may be referred.

Question—put and passed.

The Council adjourned at five o'clock until four o'clock on Wednesday, the 14th instant.

NOTICE OF MOTION AND ORDER OF THE DAY.

WEDNESDAY, 14TH AUGUST, 1867.

General Business.

NOTICE OF MOTION :—

1. The Hon. J. F. STRACHAN : To move, That there be laid upon the Table of this House a Return 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.

ORDER OF THE DAY :—

1. COLLINGWOOD LAND VESTING BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 52.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 14TH AUGUST, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

RAILWAY LOANS.—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.

Debate ensued.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council a Bill intituled, "*An Act to amend 'The Instruments and Securities Statute 1864,'*" and acquaint the Legislative Council that they have agreed to the same with amendments, with which they desire the concurrence of the Legislative Council.

The Legislative Assembly also return to the Legislative Council a Bill intituled, "*An Act to protect Game;*"

And a Bill intituled, "*An Act to amend 'The Passengers Harbors and Navigation Statute 1865;'*" and acquaint the Legislative Council that they have agreed to those Bills without amendment.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 14th August, 1867.

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, 14th August, 1867.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council copy of the Report and Proceedings of the Select Committee of the Legislative Assembly on a Bill intituled, "*An Act to amend the Act 22 Victoria, No. 82, intituled, 'An Act to amend an Act intituled, 'An Act to regulate the temporal affairs of the Synod of Victoria and to amend the Law relating thereto,' and for other purposes therein mentioned,'*" in accordance with the request of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 14th August, 1867.

INSTRUMENTS AND SECURITIES STATUTE 1864 AMENDMENT BILL.—The Honorable T. T. a'Beckett moved, That the consideration of the Message from the Legislative Assembly, with amendments in this Bill, be made an Order of the Day for to-morrow.

Question—put and passed.

EXPIRING LAW CONTINUATION BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

PETITION.—The Honorable C. Sladen presented a Petition, signed by Augustus F. A. Greeves, praying that such alteration may be made in the Synod of Victoria Bill as may seem fit to afford relief to the petitioner.

Petition received.

The Honorable C. Sladen moved, That the Petition be referred to the Committee of the House to which the Synod of Victoria Bill may be referred.

Question—put and passed.

PETITION.—The Honorable C. Sladen presented a similar Petition, signed by Henry P. Fergie.

Petition received.

The Honorable C. Sladen moved, That the Petition be referred to the Committee of the House to which the Synod of Victoria Bill may be referred.

Question—put and passed.

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

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be considered in Committee of the whole Council on the next day of meeting of the Council.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to 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.

Legislative Assembly Chamber,
Melbourne, 14th August, 1867.

FRANS. MURPHY,
Speaker.

APPROPRIATION BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Question—put and passed.

Bill read a first time.

ATTENDANCE OF MEMBERS ON TUESDAY, 20TH AUGUST.—The Honorable J. P. Fawkner, with leave of the Council, moved, without notice, That, in order that the Appropriation Bill may be constitutionally considered, it is very desirable that the whole of the Members of the Council be called upon to attend ; but that, as a call of the House requires fourteen days' notice, in order to obviate such delay, the Clerk of the Council be instructed to inform the Members of the Council, individually, that the consideration of the second reading of the Appropriation Bill will be taken on Tuesday next, when their attendance is specially desired.

Question—put and passed.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 15TH AUGUST, 1867.

NOTICE OF MOTION :—

1. The Hon. R. S. ANDERSON: To move, That Standing Order 112 be suspended, in order that all fees may be remitted in the case of the Synod of Victoria Bill, and that the Bill may be now read a first time.

ORDERS OF THE DAY :—

1. INSTRUMENTS AND SECURITIES BILL.—Consideration of Message from Legislative Assembly.
2. EXPIRING LAW CONTINUATION BILL.—To be read a second time.
3. COLLINGWOOD LAND VESTING BILL.—To be considered in Committee.

TUESDAY, 20TH AUGUST.

ORDER OF THE DAY :—

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

MEETING

OF

SELECT COMMITTEE.

Thursday, 15th August,

PRINTING—at half-past 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 15TH AUGUST, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PRINTING COMMITTEE.—SECOND REPORT.—The Honorable J. P. Fawkner brought up the Second Report of the Printing Committee, and moved, That the Report be adopted and printed.

Question—put and passed.

PETITION.—The Honorable C. Sladen presented a Petition, signed by Donald McAndrew and others, styling themselves members of the Free Presbyterian Congregation of Bellerine and East Bellerine, praying that the Synod of Victoria Bill may not be passed, or that the Free Church property or properties at Bellerine East may be taken out of the schedule thereof.

Petition received.

The Honorable C. Sladen moved, That the Petition be referred to the Committee of the House to which the Synod of Victoria Bill may be referred.

Question—put and passed.

STANDING ORDER NO. 112 SUSPENDED.—The Honorable R. S. Anderson, in accordance with notice, moved, That Standing Order No. 112 be suspended, in order that all fees may be remitted in the case of the Synod of Victoria Bill.

Debate ensued.

Question—put and passed.

SYNOD OF VICTORIA BILL.—The Honorable R. S. Anderson, in accordance with notice, moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Question—put and passed.

Bill read a first time.

INSTRUMENTS AND SECURITIES STATUTE 1864 AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with amendments in this Bill being read, the Honorable C. Sladen moved, That the amendments be agreed to as follows :—

Clause 1, line 8, omit "of," insert "to."

Clause 1, line 12, omit "of," insert "to."

Clause 1, line 14, omit "of," insert "to."

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments.

EXPIRING LAW CONTINUATION 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.

Debate ensued.

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.

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

The President left the Chair.

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

The Honorable 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.*"

Debate ensued.

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to abolish the Board of Agriculture,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 14th August, 1867.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council a Bill intituled, "*An Act to amend the Real Property Statute 1864 ;*"

Also a Bill intituled, "*An Act to amend the Public Works Statute 1865 ;*"

And a Bill intituled, "*An Act to amend the Justices of the Peace Statute 1865 ;*" and acquaint the Legislative Council that they have agreed to these Bills with amendments, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 15th August, 1867.

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

Debate ensued.

Question—put and passed.

Bill read a first time.

The Honorable G. W. Cole moved, That the Bill be printed, and that the second reading be made an Order of the Day for Tuesday next.

Question—put and passed.

REAL PROPERTY STATUTE 1864 AMENDMENT BILL, PUBLIC WORKS STATUTE 1865 AMENDMENT BILL, JUSTICES OF THE PEACE STATUTE 1865 AMENDMENT BILL.—The Honorable G. W. Cole moved, That the consideration of the amendments made by the Legislative Assembly in these Bills be set down in the Orders of the Day for Tuesday next.

Question—put and passed.

COLLINGWOOD LAND VESTING BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable J. P. Fawkner moved, That the President do now leave the Chair.

Question—put and passed.

The President left the Chair.

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

The Honorable J. P. Fawkner, with leave of the Council, moved, without notice, That so much of the Standing Orders be suspended as prevents the passing of the Bill through all its stages in one day.

Question—put and passed.

The Honorable J. P. Fawkner moved, That the Report of the Committee of the whole Council on the Bill be now adopted.

Question—put and passed.

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

The Honorable J. P. Fawkner moved, That the title of the Bill be, "*An Act to vest portion of Suburban Section 68 in the Parish of Jika-Jika and County of Bourke in Her Majesty and in the Mayor Councillors and Burgesses of the Borough of East Collingwood.*"

Question—put and passed.

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

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

ORDERS OF THE DAY.

TUESDAY, 20TH AUGUST, 1867.

ORDERS OF THE DAY :—

1. APPROPRIATION BILL.—To be read a second time.
2. SYNOD OF VICTORIA BILL.—To be read a second time.
3. BOARD OF AGRICULTURE BILL.—To be read a second time.
4. REAL PROPERTY STATUTE 1864 AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
5. PUBLIC WORKS STATUTE 1865 AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
6. JUSTICES OF THE PEACE STATUTE 1865 AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 54.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 20TH AUGUST, 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 operations, lands excepted from:—the said lands being required as a reserve for a branch aqueduct to Spring Gully.—Order in Council (5th August, 1867).

Ordered to lie on the Table.

APPROPRIATION 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 T. H. Fellows, That all the words after the word "That" be omitted, with a view to insert instead thereof the following words—"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."

Debate ensued.

At half-past six o'clock the House was adjourned during pleasure.

At half-past seven o'clock the President resumed the Chair.

Debate resumed.

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

Council divided.

Contents, 6.
The Hon. J. Henty
G. W. Cole
T. T. a'Beckett
C. J. Jenner
J. McCrae
W. H. Pettett (*Teller*).

Not Contents, 23.
The Hon. T. H. Fellows
C. Sladen
W. J. T. Clarke
Dr. Wilkie
W. Campbell
R. S. Anderson
H. M. Murphy
N. Black
S. G. Henty
T. Learmonth
J. P. Bear
Dr. Hope
W. Highett
R. Turnbull
J. Sherwin
N. Fitzgerald
J. F. Strachan
J. Graham
J. P. Fawcner
W. Degraives
A. Fraser
B. Williams
W. H. F. Mitchell (*Teller*).

The question was therefore negatived.

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

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.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, “*An Act to provide for the Reimbursement of Members of the Legislative Council and of the Legislative Assembly such expenses as are attendant upon the discharge of their duties in Parliament,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 20th August, 1867.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, “*An Act to provide for the incorporation and government of the Public Library and Museum of Industry and Art of Victoria,*”

And a Bill intituled, “*An Act to amend the Law relating to General Rates in Boroughs Shires and Road Districts,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 20th August, 1867.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, “*An Act to amend ‘The Mining Companies Limited Liability Act 1864,’*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 20th August, 1867.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council a Bill intituled, “*An Act to amend the Mining Statute 1865,*”

And a Bill intituled, “*An Act to amend the Transfer of Land Statute,*” and acquaint the Legislative Council that they have agreed to the same with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 15th August, 1867.

FRANS. MURPHY,
Speaker.

PAYMENT OF MEMBERS BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

PUBLIC LIBRARY BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

BOROUGH, SHIRE, AND ROAD DISTRICTS LAW AMENDMENT BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

MINING COMPANIES LIMITED LIABILITY ACT AMENDMENT BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

MINING STATUTE 1865 AMENDMENT BILL.—The Honorable G. W. Cole moved, That the consideration of the Message from the Legislative Assembly with amendments in this Bill be made an Order of the Day for to-morrow.

Question—put and passed.

TRANSFER OF LAND STATUTE AMENDMENT BILL.—The Honorable G. W. Cole moved, That the consideration of the Message from the Legislative Assembly with amendments in this Bill be made an Order of the Day for to-morrow.

Question—put and passed.

POSTPONEMENT.—The following Orders of the Day were severally postponed until Wednesday, the 21st instant :—

“*Synod of Victoria Bill*”—to be read a second time.

“*Board of Agriculture Bill*”—to be read a second time.

“*Real Property Statute 1864 Amendment Bill*”—consideration of amendments of Legislative Assembly.

“*Public Works Statute 1865 Amendment Bill*”—consideration of amendments of Legislative Assembly.

“*Justices of the Peace Statute 1865 Amendment Bill*”—consideration of amendments of Legislative Assembly.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 21ST AUGUST, 1867.

Government Business.

ORDERS OF THE DAY :—

1. PAYMENT OF MEMBERS BILL.—To be read a second time.
2. PUBLIC LIBRARY BILL.—To be read a second time.
3. BOROUGH, SHIRES, AND ROAD DISTRICTS LAW AMENDMENT BILL.—To be read a second time.
4. MINING COMPANIES LIMITED LIABILITY ACT AMENDMENT BILL.—To be read a second time.
5. MINING STATUTE 1865 AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
6. TRANSFER OF LAND STATUTE AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
7. SYNOD OF VICTORIA BILL.—To be read a second time.
8. BOARD OF AGRICULTURE BILL.—To be read a second time.
9. REAL PROPERTY STATUTE 1864 AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
10. PUBLIC WORKS STATUTE 1865 AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
11. JUSTICES OF THE PEACE STATUTE 1865 AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.

General Business.

NOTICE OF MOTION :—

1. The Hon. C. SLADEN: To move, That a dutiful Address be presented to His Excellency the Governor, setting forth the circumstances under which this House have rejected the Appropriation Bill.

Contingent upon the foregoing resolution being carried, That a Committee of five Members be appointed to prepare such Address.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 55.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 21ST AUGUST, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable T. Learmonth presented a Petition, signed by A. MacVean, praying that the Synod of Victoria Bill may be passed.
Petition received.

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

Question—put and passed.

PAYMENT OF MEMBERS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved, That the Order of the Day be postponed until this day week.

Question—put and passed.

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

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

“*Boroughs, Shires, and Road Districts Law Amendment Bill*”—to be read a second time.

“*Mining Companies Limited Liability Act Amendment Bill*”—to be read a second time.

“*Mining Statute 1865 Amendment Bill*”—consideration of Amendments of Legislative Assembly.

“*Transfer of Land Statute Amendment Bill*”—consideration of Amendments of Legislative Assembly.

“*Synod of Victoria Bill*”—to be read a second time.

“*Board of Agriculture Bill*”—to be read a second time.

“*Real Property Statute 1864 Amendment Bill*”—consideration of Amendments of Legislative Assembly.

“*Public Works Statute 1865 Amendment Bill*”—consideration of Amendments of Legislative Assembly.

“*Justices of the Peace Statute 1865 Amendment Bill*”—consideration of Amendments of Legislative Assembly.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable C. Sladen, in accordance with notice, moved, That a dutiful Address be presented to His Excellency the Governor, setting forth the circumstances under which this House have rejected the Appropriation Bill.

Question—put and passed.

The Honorable C. Sladen, in accordance with *amended* notice, moved, That a Select Committee be appointed to prepare the Address, such Committee to consist of the Honorables T. H. Fellows, W. Campbell, H. M. Murphy, Dr. Hope, N. Fitzgerald, J. Graham, J. P. Fawkner, W. Degraives, W. H. F. Mitchell, and the mover.

Debate ensued.

Question—put and passed.

POSTPONEMENTS.—The Honorable C. Sladen moved, That the following Orders of the Day be postponed until the next day of meeting of the Council :—

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

“*Boroughs, Shires, and Road Districts Law Amendment Bill*”—to be read a second time.

“*Mining Companies Limited Liability Act Amendment Bill*”—to be read a second time.

“*Mining Statute 1865 Amendment Bill*”—consideration of Amendments of Legislative Assembly.

“*Transfer of Land Statute Amendment Bill*”—consideration of Amendments of Legislative Assembly.

“*Synod of Victoria Bill*”—to be read a second time.

“*Board of Agriculture Bill*”—to be read a second time.

“*Real Property Statute 1864 Amendment Bill*”—consideration of Amendments of Legislative Assembly.

“*Public Works Statute 1865 Amendment Bill*”—consideration of Amendments of Legislative Assembly.

“*Justices of the Peace Statute 1865 Amendment Bill*”—consideration of Amendments of Legislative Assembly.

Question—put and passed.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The House was adjourned during pleasure, in order that the Select Committee might prepare the Address.

At twenty minutes to eight o'clock the President resumed the Chair.

ADJOURNMENT.—The Honorable G. W. Cole moved, That the Council do now adjourn until Tuesday next.

Debate ensued.

Question—put and negatived.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—REPORT OF SELECT COMMITTEE.—The Honorable C. Sladen brought up an Address prepared by the Committee appointed to prepare an Address to His Excellency the Governor, “setting forth the circumstances under which this House have rejected the Appropriation Bill,” and moved, That the Report be printed, and that it be taken into consideration to-morrow.

Debate ensued.

Question—put and passed.

ADJOURNMENT.—The Honorable W. Campbell moved, That the House do now adjourn until two o'clock to-morrow.

Debate ensued.

Motion, by leave, withdrawn.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 22ND AUGUST, 1867.

NOTICE OF MOTION :—

1. The Hon. T. H. FELLOWS: To move for leave to bring in a Bill to alter the number and mode of Election of Members to be returned to Parliament, to amend the Law relating to Responsible Ministers of the Crown, to lengthen the duration of the Legislative Assembly, and to indemnify the Members of that House.

ORDERS OF THE DAY :—

1. ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—Consideration of Report.
2. PUBLIC LIBRARY BILL.—To be read a second time.
3. BOROUGHS, SHIRES, AND ROAD DISTRICTS LAW AMENDMENT BILL.—To be read a second time.
4. MINING COMPANIES LIMITED LIABILITY ACT AMENDMENT BILL.—To be read a second time.
5. MINING STATUTE 1865 AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
6. TRANSFER OF LAND STATUTE AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
7. SYNOD OF VICTORIA BILL.—To be read a second time.
8. BOARD OF AGRICULTURE BILL.—To be read a second time.
9. REAL PROPERTY STATUTE 1864 AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
10. PUBLIC WORKS STATUTE 1865 AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
11. JUSTICES OF THE PEACE STATUTE 1865 AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.

WEDNESDAY, 28TH AUGUST.

ORDER OF THE DAY :—

1. PAYMENT OF MEMBERS BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

134

No. 56.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 22ND AUGUST, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the consideration of an Address to His Excellency the Governor being read, the Honorable C. Sladen moved, That the Select Committee appointed to prepare an Address to His Excellency the Governor be re-appointed to re-consider the Report brought up on the 21st instant.

Question—put and passed.

The Committee retired, by leave of the House, to re-consider the Report.

After lapse of a short time, the Honorable C. Sladen brought up the Report as re-considered by the Committee.

The Report 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 of 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 to approach Your Excellency with assurances of our loyalty and attachment to Her Majesty's Throne and Person, and with expressions of our earnest hope that this Colony may maintain its legitimate position as an integral portion of the British Empire.

The Annual Bill for appropriating the supplies for the service of the year 1867 (lately received by this House from the Legislative Assembly) contained a vote of £20,000 proposed to be placed at Her Majesty's disposal for the purpose of being applied to the separate use of Lady Darling, the wife of the late Governor. The only ground set out in the Bill for such vote is that it is "in accordance with the resolution of the Legislative Assembly adopted on the 9th May, 1866."

Believing, when that resolution was adopted, that effect could not be given to it, we took no steps in the matter. But as soon as we observed in the Proceedings of the Legislative Assembly of this Session that the subject was revived, we took what we conceived to be the Parliamentary mode of expressing our desire to consider the proposed grant separately, by sending a Message to the Legislative Assembly, requesting that they would be "pleased to communicate to this House a copy of the Report from the Committee appointed by the Legislative Assembly, on the 3rd May in last year, to prepare an Address to His Excellency Sir Charles Henry Darling, and to consider and report on the steps the Legislative Assembly should take with reference to his being relieved from his position as Officer Administering Her Majesty's Government in this Colony;" that being the mode adopted by the House of Lords in Palmer's case, to be presently alluded to.

Our resort to the above form of procedure produced no result, and the proposed grant came to us in the Appropriation Bill.

If we had been asked to concur in the principle of such a grant, we should have been constrained to express our decided objection to it, for the following reasons :—

In September, 1865, we were under the necessity of representing to Her Most Gracious Majesty the Queen that Sir Charles Henry Darling, then Governor of this Colony, had made himself a party to several acts which we considered were both illegal and unconstitutional, and we prayed Her Majesty “to adopt such measures as to Her Majesty might seem fit for maintaining in this Colony the Constitution as by law established.”

By a despatch from Her Majesty’s Secretary of State, dated 26th January, 1866, Sir Charles Henry Darling was requested to inform this House that “the Queen had been pleased to receive their Address very graciously, and that Her Majesty had been advised that the proceedings which gave rise to it were contrary to law, and had given instructions intended to prevent their recurrence.”

In a subsequent despatch, in allusion to an Address to the Queen from twenty-two members of the Executive Council of Victoria, Mr. Cardwell wrote as follows [No. 25, 26th February 1866] :—

SIR,

I have conveyed to you in another despatch the answer which I have been commanded by the Queen to return to the Address signed by twenty-two members of the Executive Council of Victoria, which you transmitted to me in your despatch, No. 152, of the 23rd December.

The complaint of the petitioners is, as you observe, directed against yourself, and is to the effect that the acts which the address describes as illegal, could not have been committed, much less persisted in, if you had not given to those acts the sanction of your authority. In reply to this complaint, while referring to the general obligation under which you are placed, by Her Majesty’s instructions, to be guided in all cases (unless you have good reason to the contrary) by the advice of your Ministers, you further say that in the particular proceedings of which the petitioners complain, “there has been no so-called illegal act on the part of the Government, which you would not, so far as respects the general principles upon which it is based, have carried into effect, if the executive authority had been deposited solely in yourself.” And as regards the loan you add, “I should have gone much further than my Ministers counselled me to do, for I should have peremptorily withheld from those banks which refused to assist the Government by loans, any further deposits of the public revenue.” I have already, in my despatch No. 107 of the 27th November, instructed you that some of the acts of your Government to which you gave your sanction were illegal, and have directed you to retrace your steps. But your present despatch imposes upon me new obligations, I shall therefore briefly review the circumstances under which this address has been adopted by the petitioners.

The course pursued in the Assembly with respect to the Tariff and Appropriation Bills was not warranted by the practice of the English House of Commons, to which, by the Constitution Act, it was intended that the Assembly of Victoria should generally conform. Here, not only is a Bill introduced on the very day on which resolutions for the alterations of Customs duties are agreed to, for the purpose of giving effect to those resolutions, but every exertion is made to pass the Bill with as little delay as possible. Again, no practice is more carefully observed than that which avoids what is called tacking, or the combination of any other enactments with the Bill of Appropriation. But still, in the case which has occurred under your government, the delay of the Tariff Bill, and its union with the Appropriation Bill, were exposed to the same checks to which the like proceedings, if resorted to, would be exposed in this country. The Supreme Court was able to vindicate the right of any subject who might complain that duties were levied from him illegally, and the Legislative Council was able to maintain its own privileges by laying aside the compound Bill. I do not think it would have been desirable for you to interfere in any such manner as to withdraw these matters from their ordinary sphere, and so give to the dispute a character, which did not naturally belong to it, of a conflict between the Assembly of Victoria and the representative of the Crown. I am not able to say that, in the actual circumstances of the case, you had it in your power to influence or control the course of affairs without incurring the risk of such a consequence.

But you ought to have interposed, with all the weight of your authority, when your Ministers continued to levy the duties notwithstanding the adverse decision of the court. Still more evidently was it your duty to withhold your personal co-operation from the scheme of borrowing money in a manner unauthorized by law. I say unauthorized by law, because the loan itself had not been sanctioned by the Legislature of Victoria, and because the judgment which enabled you to repay that loan, having been obtained as it was, can be regarded only as a form under color of which the substance of the law was evaded. By these proceedings the Supreme Court and the Legislative Council were practically deprived of the power with which the Constitution intended to invest them. This conduct on your part involved a grave responsibility ; and it has led, by natural consequence, to the address which I have now to consider.

I understand, indeed, that before you received that address your Government had in some degree retraced their steps. The Tariff Bill had been finally rejected by the Council, and the Customs department ceased to levy the higher duties imposed by the Bill, and repaid to each individual the excess which he had paid. I infer, also, though it is not clearly stated in your despatches, that they have recommenced the collection of those higher duties which the law imposes on the import of tea and other articles, and on the export of gold. But I also gather that for some months the full amount of the higher duties was not levied, and that for part of that time the Customs department had ceased to demand any bonds or other security for the payment of the uncollected balance. You do not suggest, and I cannot imagine that for this proceeding there was even any pretext on which it could have been contended to be legal. As a consequence of these proceedings, the Assembly has been dissolved without an Appropriation Act, and the borrowing from the bank has been continued.

Under these circumstances it cannot, I think, be denied that any subject in the colony was entitled respectfully to approach his Sovereign, and complain that, in the one case by the wrongful concurrence, and in the other by the personal co-operation of the Queen’s Representative, he had been deprived for a time of the benefit of the remedy which the Constitution of Victoria provided against irregular acts of power on the part of the Executive Government. I do not see in the language of the address anything disrespectful to Her Majesty, or otherwise worthy of censure ; and I cannot but acknowledge that the complaints of the petitioners are just.

I am thus compelled to approach, and I do so with the deepest regret, the closing paragraphs of your despatch, in which you describe the Address in terms of the strongest condemnation, and express your opinion that a vindication of public morality calls for the forfeiture of the commission and office of the petitioners ; informing me that, “if it had not been that under existing circumstances, and at the period of a general election, when many of these gentlemen are candidates for a seat in the Legislative Assembly, the object of such action on your part would have been liable to great misapprehension, you would have suspended them all from office until Her Majesty’s pleasure were known.”

It is evident that such a course on your part could only have been justifiable if they had been clearly wrong, and that in a very aggravated degree, and in this and in former despatches I have stated how little I consider that this has been actually the case.

But while you thus assign a merely temporary reason for not having taken a course which would on the merits have been unjustifiable, you make in the following words an appeal to me, to which I am obliged to return a clear and decided answer.

You say :—"Whatever course, in the exercise of your judgment, you may see fit to advise Her Majesty to adopt, it is impossible that the relations between the petitioners and myself can, in the face of this conspiracy, be such as ought to subsist between the Governor and gentlemen holding the commission of an Executive Councillor, whether occupying or not occupying responsible office ; and it is at least to be hoped that the future course of events may never designate any of them for the position of a Confidential Adviser to the Crown, since it is impossible their advice could be received with any other feelings than those of doubt and distrust."

If I had adopted your views with respect to the conduct of the petitioners, I might, undoubtedly, have tendered to Her Majesty the advice which you suggest, but by doing so I should only have deprived those gentlemen of an honorary distinction. It would have been quite beyond my power to obviate the inconvenience to which you point. It would still have remained quite possible that they should again acquire the confidence of a majority of the Assembly, and, therefore, be the persons from whom you would naturally select your Ministers.

It has been my desire to avoid even the appearance of taking part with one side or the other in controversies which ought to be locally decided ; to make every possible allowance for the circumstances in which you have been placed ; and to lighten, as far as I could, the painful consequences to you of the answer which I was compelled to return to the Address of the Legislative Council. It is your own act now which leaves me no alternative ; you force me to decide between yourself and the petitioners. You place me in the position of having to determine whether you can continue to represent the Queen in a colony in which you have avowed that none of these gentlemen can ever be received by you as confidential advisers with any other feelings but those of doubt and distrust. It is one of the first duties of the Queen's Representative to keep himself as far as possible aloof from, and above, all personal conflicts. He should always so conduct himself as not to be precluded from acting freely with those whom the course of Parliamentary proceedings might present to him as his confidential advisers. While, on the one hand, it is his duty to afford to his actual advisers all fair and just support, consistently with the observance of the law, he ought, on the other hand, to be perfectly free to give the same support to any other Ministers whom it may be necessary for him at any future time to call to his counsels. The colony is entitled to know that the Governor gives this support to his Ministers for the time being, and that he is able and willing, if the occasion shall arise, to give the same support to others. I regret to say that in the present instance you have rendered this impossible. It must be evident to yourself that you occupy a position of personal antagonism towards almost all those whose antecedents point them out as most likely to be available to you in the event of any change of Ministry. This has resulted, as I think, entirely from your own acts, your adoption of a course of conduct which cannot be justified in law, and your strong denunciation, in which I am wholly unable to concur, of those who have objected to that course. It is impossible, I much regret to say, that, after this, you can with advantage continue to conduct the government of the colony.

Looking to your long services, and sincerely desirous to make every allowance for the difficulties of your position, I have been most reluctant to arrive at the decision which, nevertheless, I have been obliged to adopt. I am compelled to advise Her Majesty that you should be relieved of your duties, and the government of the colony be placed in other hands.

As soon, therefore, as your convenience will admit of your leaving the colony, I should wish you to place the government in the hands of General Carey, whose duty it will be to administer it until your successor shall be appointed. I trust that no occasion will arise in which it will be clear to his judgment that the advice of his Ministers for the time being would involve a violation of the law. In such a case it would doubtless be his duty to refuse compliance, and to endeavour to obtain the aid of other Ministers.

Her Majesty's Government have no wish to interfere in any questions of purely colonial policy, and only desire that the Colony should be governed in conformity with the principles of responsible and constitutional government, subject always to the paramount authority of the law.

I have, &c.

(Signed) EDWARD CARDWELL.

We conceive that every dependency of the British Empire is bound in loyalty and duty to respect the decisions of the Queen, as announced through Her Majesty's Secretary of State. In the present instance addresses and petitions were forwarded through the late Governor for presentation to the Queen, from various bodies in Victoria, besides the addresses above alluded to, and it may therefore be assumed that the merits of the case submitted for the expression of Her Majesty's decision were fairly represented.

Sir Charles Henry Darling, in his despatch No. 130, 24th October, 1865, says :—

4. Referring specially to the statements in the Melbourne petition as a fair type of the rest, and beginning with the paragraph which affirms that the act for which I have been blamed, is approved of by the great majority of Her Majesty's subjects in the colony, I consider those statements to be correct, if I except that which attributes to the Legislative Council certain motives connected with the new Land Act, upon which point I do not possess the means of forming a satisfactory judgment,—

and in another despatch of the same date No. 131, he says :—

3. A schedule is attached to this despatch, showing the districts and towns at which the meetings were held. I believe that, in conjunction with the addresses to Her Majesty, these documents may be taken as a fair expression of public opinion upon the question to which they relate.

After information of his recall from the Government, and before leaving the colony, Sir Charles Darling declared his intention of appealing to the British Parliament immediately on his arrival in England against the decision of Her Majesty's Government.

We are assured by the following despatch of Mr. Cardwell, addressed to, but which only reached, Sir Charles Henry Darling after his return to England, that the decision of Her Majesty's Government was not adopted without full deliberation.

Downing street, June, 1866.

SIR,

I have received the despatch which you addressed to me from Victoria, under date the 25th of April, representing the serious loss to which you have been subjected by your removal from the government of that colony, before half the period had elapsed for which a colonial government is usually held.

You announce your intention of appealing against the grounds on which Her Majesty's Government had arrived at this decision, which you regard as insufficient and inadequately supported by the facts, and you complain of the terms in which the announcement of your recall was made known to you.

I did not advise Her Majesty to relieve you from the Government of Victoria, till your own despatches had satisfied Her Majesty's Government that that step was unavoidable. And although in communicating to you this decision, it was my duty to state with clearness the grounds on which it had been adopted, it was my endeavour to make that communication in the language which was least calculated to inflict unnecessary annoyance.

* * * * *

I do not think it necessary to make any observation upon the intention which you express of appealing against the decision of Her Majesty's Government, further than to say that that decision was adopted after full deliberation and with sincere regret, and under a conviction that it was absolutely necessary with a view to the good of the public service.

I have, &c.,

EDWARD CARDWELL.

That no such appeal appears to have been entertained justifies us in the conclusion that the grounds of his recall, as laid down in Mr. Cardwell's despatches, were so thoroughly acquiesced in by all parties in the British Parliament that it was hopeless for Sir Charles Darling to expect that that decision could be reversed or even modified.

On the 9th May, 1866, the Legislative Assembly resolved to present an Address to the Queen, of which the prayer was as follows:—

“We therefore humbly pray Your Majesty to be graciously pleased to sanction the acceptance of the proposed grant to Lady Darling.”

The reply to this Address was conveyed through Lord Carnarvon in a despatch dated 8th December, 1866, wherein he states:—

“I request you will inform the Speaker of the Assembly that the Address has been laid before the Queen, who was pleased to receive it very graciously, but that I am unable to advise Her Majesty to accede to the request which it conveys.

The rule that a Governor should not receive pecuniary or valuable presents from the inhabitants of the colony over which he presides, either during the continuance of his office or on leaving it, is expressly laid down in the Colonial Regulations, and for obvious reasons it has always been rigidly enforced. It is plain that such a rule would be merely nugatory if it were held that what the Governor was precluded from receiving might properly be given to his wife.

It is, under these circumstances, impossible that Her Majesty should be advised to sanction the literal or substantial violation of this rule by any of Her servants; or, on the other hand, that the acceptance of the proposed gift should be regarded otherwise than as a final relinquishment by Sir Charles Darling of that service, and of all the emoluments or expectations attaching to it.

I have, &c.

Governor

The Hon. Sir J. H. T. Manners Sutton.

CARNARVON.

The expression of Her Majesty's inability to sanction the acceptance of this grant is so clear and so decided, that, independently of the objection which, after our complaint of the illegal and unconstitutional acts to which Sir Charles H. Darling had made himself a party, Your Excellency's advisers must have known to exist in this House to any such grant, we are surprised that they should have brought forward such a vote in any shape, much more that they should have recommended the Legislative Assembly to include it in the Appropriation Bill with the general supplies of the year.

We conceive that to have sanctioned this grant would have been to abandon the course we have previously pursued with reference to the unconstitutional acts of which we have complained.

We desire, however, to submit to Your Excellency, that this vote ought not, in accordance with Parliamentary usage, to have been included in the Annual Appropriation Bill.

Under the 34th 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 other rules or orders shall have been adopted with the consent of both Houses.

The “usage,” therefore, of the Imperial Parliament of Great Britain and Ireland, where no other rules or orders have been adopted, is under our Constitution Act the “law” here, and as binding upon this Legislature as the Constitution Act itself.

We appointed a select committee to search for precedents as to that usage, the result of which is, to assure us that a grant like that to which we have referred should be the subject of a separate Bill.

No rules or orders affecting that usage have been adopted by this Legislature.

It appears to have been the practice in many cases after the passing of such Bills, to include the amounts thereby provided in the Annual Appropriation Act, and in many others not to include such sums in that Act. But in no case does it seem to have been the usage of the House of Commons to include in the Annual Appropriation Act any amount which there were reasonable grounds for apprehending would be objectionable to the other branch of the Legislature.

The case of Mr. Palmer is remarkably confirmatory of this view, both in itself and in the evidence of such usage, brought out in the discussions to which it gave rise, extending over a period of sixteen years.

Mr. Palmer held an appointment in the post office, under an agreement with Mr. Pitt, which entitled him to a salary and a per centage upon profits; during his life, according to the views entertained by the House of Commons,—but during his tenure of office according to the opinion of the House of Lords. He held this office from 1784 to 1793, when he was removed for alleged misconduct; and retired with an annuity of £3,000.

Dissatisfied with this arrangement, he brought his case before the House of Commons in 1797. A Committee to enquire into it was appointed; they brought up a report, but nothing was done upon it at that time. In 1807, the subject was revived, and in June, 1808, a Committee of Supply voted the sum of £54,702 as due to Mr. Palmer for arrears. A separate Bill to secure his future per centage was in the same year sent to the House of Lords, who had, while the Bill was in the House of Commons, made known their wish to have a voice in the question, by adopting the form of sending a message to the other Branch of the Legislature, requesting that House to communicate a copy of the Report of the Committee appointed to consider of the agreement with Mr. Palmer.

Communications then appear to have passed between the Chancellor of the Exchequer (Mr. Perceval), and the Speaker of the House of Commons (Mr. Abbott).

On the 12th June, 1808, the latter wrote, "No instance occurs in which the Lords have ever amended the Appropriation Acts,"—and again on the 18th of the same month, "If the Lords differ in opinion from the Commons upon the Bill now before them, they will, of course, exercise their right of throwing it out; and upon the expectation that they will hold the same opinion upon the grant of the sum in gross, which has been voted by the Commons, it will be for the Commons to consider how they will act.

Now it does not appear to me to be right or fitting for the Commons in such a case to surrender or abandon their own vote, or that the apprehension of its being rejected by the Lords can justify or excuse them for not maintaining the exercise of their own undoubted right in matter of supply. For the Commons to retract, rescind, or give up their own absolute and unqualified grant of money by not inserting it in the Appropriation Act, and for such a cause, appears to me, as far as I have had the means of information, to be a manifest departure from the uniform practice of Parliament, and an abandonment of the highest privileges of the Commons.

Viewing the question in this light, you will not, I am sure, be surprised that in the progress of the proceeding I shall think it my duty in my situation openly to declare that opinion, which on every account it will be very painful to me to do."

Mr. Perceval replied—"At present I confess that, in the degree in which I feel the necessity of upholding as undoubted the privileges of the Commons with respect to all grants of supply, I feel it important not to mix in any Bill of general supply separate matters of grant, upon which the Lords may reasonably be supposed to entertain a different opinion from the Commons, and upon which they have an unquestionable right to give their negative. When that is likely to be the case, and when the Commons, with their eyes open to such a case, do mix such a grant with their general supply for the services of the year, I conceive they do offer a violence to an undoubted right of the Lords and of the Crown not to have any question of any sort so tacked to the supply as to disable them from exercising an unfettered judgment upon the propriety of the grant itself."

Mr. Perceval's reply seems to have caused Mr. Speaker Abbott to modify his views, as shewn in his letter of the 19th June, 1808; and he would appear to have abandoned his intention "of openly declaring his opinion" in the House of Commons.

In the debate upon the same matter Mr. Bankes stated that upon looking back to the Journals he had observed that "the Lords had in a variety of instances corrected the too profuse liberality of the Commons in granting to individuals on the score of discoveries."

On the 23rd June, 1808, Mr. Perceval moved for a separate Bill on the resolution from Committee of Supply in Palmer's case, and in doing so submitted a number of instances in which that course had been pursued, and added:—

The House had a discretion, and it remained to be considered under what circumstances the House would be disposed to proceed, by a separate Bill, or by including the grant in the Appropriation Act. If no other motive would apply, the course that would be most convenient would be most desirable. In ordinary cases, where there was not likely to be any difference of opinion elsewhere, it might be proper to insert the grant in the Appropriation Act. But if there should be any fair reason to suppose such a difference of opinion to exist in that other quarter, that would be good ground for taking the grant out of the Appropriation Act. The vote proceeded upon an assumption of an agreement between Mr. Pitt and Mr. Palmer, and then assumed that nothing had happened to defeat such contract, and that a Bill should be brought in to carry the contract into effect. That House knew that the other House had the matter under their consideration, by having received a message from it, requiring a communication of the evidence upon which they had passed the Bill for granting the annuity to Mr. Palmer.

Having, by sending up that Bill to the other House, given it an opportunity of exercising an unrestrained judgment upon one part of the case, they should not, by inserting this grant in the Appropriation Bill, reduce the other House to the alternative of either acceding to a grant of which it disapproved, or of rejecting the appropriation of the supplies of the year.

The right honorable gentleman then quoted the authority of Mr. Hatsell (Vol. iii.) to show that tacking one measure to another for the purpose of forcing another branch of the Legislature to accede to it, was

highly irregular, and a breach of the practice of Parliament; but that to do this with a knowledge that the part so tacked was disagreeable to the other branch of the Legislature was highly dangerous and unconstitutional. He admitted that this doctrine had been applied by Mr. Hatsell to the tacking to money bills measures unconnected with the Supply, but contended that the principle extended to preclude the House from any course that would reduce the other House to the alternative he had stated. If, therefore, the House should see no reason, founded upon Parliamentary usage, for declining the course he had to propose, why insert the grant in the Appropriation Act, why clog the supplies of the year with a measure that would endanger their passing the other House? The proposition upon which the grant rested was one on which not only the present House of Commons entertained a difference of opinion, but a former House of Commons had rejected. And there was as much reason to think that any other assembly would differ from the present House of Commons, as that the former House of Commons had differed from it. If ever there had been a case in which the grant should be carried into effect by a separate Act, it was the present. He should ask any honorable member to show any case in which two votes, founded on the same principle, had been carried into effect, one by a separate Bill, the other by insertion in the Appropriation Act. If there was no similar case, then this was a new case, and it was competent to the House to exercise its discretion upon it. The House would therefore decide whether, under all the circumstances of the case, it would prefer the separate or the general Appropriation Act. He should move that a Bill be brought in pursuant to the resolution of the Committee of Supply.

Mr. ROSE said that, if there was a necessity for more precedents, he could certainly produce them. The object of this motion was to give the Lords an opportunity of judging of the merits of Mr. Palmer's claim. The majority of grants made to individuals were by separate Bills, and not by a clause in the Appropriation Act.

Mr. CANNING "insisted on the constitutional impropriety of sending the present business to the Lords otherwise than in a separate Bill."

One fact is remarkable in this case, namely, that whilst a large majority of the Commons were in favor of Mr. Palmer's receiving the money he claimed, a greater number were in favor of proceeding by separate Bill, for the avowed purpose of affording to the Lords an opportunity of considering that grant distinctly from the other grants of the year.

Mr. Perceval's motion was carried on these grounds, and the principles then maintained have not since been disturbed, so far as we can ascertain.

In subsequent years separate Bills were sent up to secure Mr. Palmer's claims, and in 1812 and in 1813 those Bills were rejected by the Lords—no one in the House of Commons proposing to insert any grant to Mr. Palmer in the Appropriation Bills for those years; and finally, in 1813, a separate Bill, acceptable to both Houses, was introduced and became law.

The "usage," therefore, of the Imperial Parliament of Great Britain and Ireland being established, we submit that, in accordance with the 34th section of the Constitution Act, the vote of £20,000 to Lady Darling ought not to have been inserted in the Appropriation Bill, as we are thereby precluded from expressing the independent opinion to which we are entitled.

In rejecting the Bill, however, we have had no intention of withholding our assent to the general supplies for the service of the year, and if the vote to which we have taken exception should be withdrawn, we should gladly acquiesce in passing the ordinary Appropriation Bill.

It may not, perhaps, be out of place to point out another objection to the Appropriation Bill of this year in the form in which it has been sent to us. A similar form was used in the Preamble of a Supply Bill in 1866, and was one of the subjects referred to a Conference between the two Houses on the 12th April, 1866. The exclusive right to grant money was then claimed by the Assembly. After considerable discussion, it was abandoned. A new form of Preamble, mutually agreed upon by both Houses, was adopted, and was prefixed, not only to the Supply Bill, but also to the Appropriation Bill of last year. To return, therefore, to the abandoned form we can only consider a breach of the compact then made, and as tending to destroy that feeling of amity between the two Houses, which we had hoped had been restored, and would for the future be maintained.

We assure Your Excellency we are not insensible to the suffering and confusion which the rejection of an Appropriation Bill may cause; but we feel that it is necessary to confront them rather than destroy the independence of any branch of the Legislature, and break down any of those constitutional forms which are the best securities for the real liberty of the people.

The Honorable C. Sladen moved, That the Address prepared by the Select Committee, as reported this day, be now adopted.

Amendment moved by the Honorable T. T. a'Beckett, That all the words after the word "That" be omitted, with a view to insert instead thereof the following words:—

"That the responsibility of appropriating the public revenue is, by the Constitution Act, cast exclusively upon the Legislative Assembly.

"That no appropriation can be made by the Assembly of any portion of such revenue without the previous request or sanction of the Crown expressed by Message presented through its responsible advisers.

"That, according to the practice and usage of Parliament, the sums voted during the progress of each session by the Assembly may be legally paid from the public Treasury before being embodied in the General Appropriation Bill, on the passing by the Legislative Council of a Bill or Bills authorising the application of a gross sum from the public revenue to meet the aggregate amount of votes previously passed.

"That such Bills are presented to the Council from time to time during every session, and have always been passed by it without discussion, and without the knowledge of or any enquiry as to the amount or character of the specific sums voted in the Assembly.

"That, by the usage and practice of Parliament, these last mentioned sums are embodied in a Bill called the general Appropriation Bill, which is sent up, towards and as a preliminary to the close of the Session, to the Legislative Council, and returned, after approval, to the Speaker of the Assembly, for presentation to the Crown for its assent.

"That the approval of the Bill by the Legislative Council implies nothing further than that it has been satisfied, on examination, that it contains nothing more than a record by the Assembly of the votes of money passed by it during the progress of the session.

"That the right possessed by the Legislative Council to reject such a Bill is of the same character as the right of the House of Lords to reject a general Appropriation Bill, and of the Crown to veto the same; being a right that has never been exercised by the House of Lords or by the Crown at any period of the British history.

"That inasmuch as the rejection of such a Bill would render it impossible to meet the ordinary requirements of the public service without having recourse to expedients for raising money regardless of the forms required by the Constitution Act, such a proceeding involves its violation or the giving up the colony to anarchy.

"That the reasons assigned for the rejection of the Appropriation Bill lately presented to the House are altogether insufficient to justify so extreme a proceeding.

"That it is beneath the dignity of the House to be influenced in its decisions by words of heat uttered in debate in the House of Assembly by individual members, it being, indeed, contrary to the forms of Parliamentary discussion to refer in either House of Parliament to words spoken upon the subject-matter of debate in the House where it has been previously disposed of.

"That the dignity of the House is not affected by any vote of the Assembly in a matter of supply come to upon the receipt of a Message from the Crown acting through its responsible advisers, if there do not appear upon such Appropriation Bill, in connection with such vote, language offensive to the Council.

"That inasmuch as the Appropriation Bill of the current year did not contain any vote which had been unauthorised by Message from the Crown, and did not bear upon the face thereof any censure or reflection upon the conduct of the House, and was unmixed with any matter foreign to an Appropriation Bill, its rejection by the House was a measure which cannot be justified by constitutional usage—is a proceeding likely to be most disastrous to the community at large, and should be remedied as soon as possible by the passing of a Bill of a similar purport, on being requested so to do, by the House of Assembly, the passing such Bill being accompanied by a protest against the character of the vote to Lady Darling from those members opposed to it, and against the violence done to the Council by the forcing upon it the alternative of rejecting the Appropriation Bill or passing it with this vote included; and expressive of their belief that it ought, out of due regard to the opinion of its members, to have been made the subject of a separate Bill."

Debate ensued.

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

Council divided.

Contents, 17.

The Hon. T. H. Fellows
 C. Sladen
 Dr. Wilkie
 N. Black
 H. M. Murphy
 W. Campbell
 J. P. Bear
 W. Highett
 S. G. Henty
 Dr. Hope,
 R. Turnbull
 W. Degraives
 T. Learmonth
 J. Graham
 A. Fraser
 J. P. Fawkner
 R. S. Anderson (*Teller*).

Not Contents, 4.

The Hon. J. McCrae
 G. W. Cole
 T. T. a'Beckett
 W. H. Pettett (*Teller*).

The question was therefore passed.

Question—That the Address prepared by the Select Committee, as reported this day, be now adopted—put and passed.

PUBLIC LIBRARY BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be considered in Committee of the whole Council on Tuesday next.

BOROUGH, SHIRE, AND ROAD DISTRICTS LAW AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be considered in Committee of the whole Council on Tuesday next.

MINING COMPANIES LIMITED LIABILITY ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be considered in Committee of the whole Council on Tuesday next.

MINING STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the consideration of the amendment made by the Legislative Assembly in this Bill being read, the amendment, on the motion of the Honorable T. H. Fellows, was agreed to as follows:—

In the preamble, line 3, after "Assembly" insert "of Victoria."

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendment.

TRANSFER OF LAND STATUTE AMENDMENT BILL.—The Order of the Day for the consideration of the amendments made by the Legislative Assembly in this Bill was postponed until Tuesday next.

SYNOD OF VICTORIA BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. S. Anderson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be considered in Committee of the whole Council on Tuesday, the 27th instant.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Tuesday, the 27th instant:—

"*Board of Agriculture Bill*"—to be read a second time.

"*Real Property Statute 1864 Amendment Bill*"—consideration of Amendments of Legislative Assembly.

PUBLIC WORKS STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the consideration of the amendments made by the Legislative Assembly in this Bill being read, the Honorable T. H. Fellows moved, That a Committee of four Members be appointed to confer with a Committee of like number of the Legislative Assembly upon the amendments made by the Legislative Assembly in the Bill, such Committee to consist of the Honorables C. Sladen, R. S. Anderson, T. T. a'Beckett, and the mover.

Question—put and passed.

The Honorable T. H. Fellows moved, That a Message be sent to the Legislative Assembly to acquaint them that the Council have appointed a Committee of four Members to meet and confer with a like number of Members of the Legislative Assembly on the amendments made by the Legislative Assembly in the Bill.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, 27th instant:—

"*Justices of the Peace Statute 1865 Amendment Bill*"—consideration of Amendments of Legislative Assembly.

The Council adjourned at ten minutes to six o'clock until four o'clock on Tuesday, the 27th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 27TH AUGUST, 1867.

NOTICE OF MOTION:—

1. The Hon. T. H. FELLOWS: To move for leave to bring in a Bill to alter the number and mode of Election of Members to be returned to Parliament, to amend the Law relating to Responsible Ministers of the Crown, to lengthen the duration of the Legislative Assembly, and to indemnify the Members of that House.

ORDERS OF THE DAY :—

1. PUBLIC LIBRARY BILL.—To be considered in Committee.
2. BOROUGH, SHIRES, AND ROAD DISTRICTS LAW AMENDMENT BILL.—To be considered in Committee.
3. MINING COMPANIES LIMITED LIABILITY ACT AMENDMENT BILL.—To be considered in Committee.
4. TRANSFER OF LAND STATUTE AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
5. SYNOD OF VICTORIA BILL.—To be considered in Committee.
6. BOARD OF AGRICULTURE BILL.—To be read a second time.
7. REAL PROPERTY STATUTE 1864 AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
8. JUSTICES OF THE PEACE STATUTE 1865 AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.

WEDNESDAY, 28TH AUGUST.

General Business.

ORDER OF THE DAY :—

1. PAYMENT OF MEMBERS BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

144

No. 57.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 27TH AUGUST, 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. Mining Surveyors and Registrars—Reports of, for quarter ending 30th June, 1867.
2. Agriculture, Board of—Eighth Annual Report of.
3. Beechworth and Gipps Land Mining Districts—Polling Places for.—Order in Council (12th August, 1867).

Ordered severally to lie on the Table.

PUBLIC LIBRARY TRUSTEES REPORT.—The Honorable C. Sladen, by leave of the Council, moved, without notice, That there be laid on the Table of the House the Report of the Trustees of the Public Library on the Report of the Fine Arts Commission which was referred to them.

Question—put and passed.

ADJOURNMENT.—The Honorable G. W. Cole moved, That the Council, at its rising this day, adjourn until Thursday next.

Debate ensued.

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until four o'clock on Thursday, the 29th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 29TH AUGUST, 1867.

NOTICE OF MOTION:—

1. The Hon. T. H. FELLOWS: To move for leave to bring in a Bill to alter the number and mode of Election of Members to be returned to Parliament, to amend the Law relating to Responsible Ministers of the Crown, to lengthen the duration of the Legislative Assembly, and to indemnify the Members of that House.

ORDERS OF THE DAY:—

1. PUBLIC LIBRARY BILL.—To be considered in Committee.
2. BOROUGH, SHIRE, AND ROAD DISTRICTS LAW AMENDMENT BILL.—To be considered in Committee.
3. MINING COMPANIES LIMITED LIABILITY ACT AMENDMENT BILL.—To be considered in Committee.
4. TRANSFER OF LAND STATUTE AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
5. SYNOD OF VICTORIA BILL.—To be considered in Committee.
6. BOARD OF AGRICULTURE BILL.—To be read a second time.
7. REAL PROPERTY STATUTE 1864 AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
8. JUSTICES OF THE PEACE STATUTE 1865 AMENDMENT BILL.—Consideration of Amendments of Legislative Assembly.
9. PAYMENT OF MEMBERS BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 58.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 29TH AUGUST, 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 :—
Statistics of Victoria, 1866. Part V.—Vital Statistics, &c.

Ordered to lie on the Table.

MINUTES ON THE SUBJECT OF THE REJECTION OF THE APPROPRIATION BILL.—The Honorable G. W. Cole presented to the Council copies of Minutes by His Excellency the Governor, and by His Excellency's advisers, on the subject of the rejection of the Appropriation Bill on the 20th instant.

The same were read at the Table by the Clerk.

The Honorable G. W. Cole moved, That the papers be printed.

Question—put and passed.

PETITION.—The Honorable Dr. Hope presented a Petition, signed by John Steele and others, of Bellerine, praying that certain properties may be included in the schedule to the Synod of Victoria Bill, and that the said Bill may be passed.

Petition received.

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

Question—put and passed.

PUBLIC LIBRARY BILL.—The Order of the Day for the committal of this Bill being read, the Honorable T. H. Fellows moved, That the President do now leave the Chair.

Question—put and passed.

The President left the Chair.

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

Ordered.

BOROUGH, SHIRES, AND ROAD DISTRICTS LAW AMENDMENT BILL.—The Order of the Day for the committal of this Bill being read, the Honorable G. W. Cole moved, That the President do now leave the Chair.

Question—put and passed.

The President left the Chair.

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

Ordered—That the adoption of the Report be made an Order of the Day for Tuesday next.

MINING COMPANIES LIMITED LIABILITY ACT AMENDMENT BILL.—The Order of the Day for the committal of this Bill being read, the Honorable G. W. Cole moved, That the President do now leave the Chair.

Question—put and passed.

The President left the Chair.

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for the next day of meeting.

TRANSFER OF LAND STATUTE AMENDMENT BILL.—The Order of the Day for the consideration of the amendments made by the Legislative Assembly in this Bill being read, the amendments, on the motion of the Honorable G. W. Cole, were severally agreed to, as follows :—

Clause 1, line 3, before "from" insert "and shall be deemed to have been."

" same line, after "of" omit the words "this Act" and insert "the said Statute."

" line 5, after "order" insert "heretofore."

" same line, after "made" omit the following words :—"since the passing of the said Statute" and insert "or which shall hereafter be made."

" line 11, after "mentioned" omit "shall and an office copy of any such order made before the passing of the said Statute or hereafter to be made by the said court."

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments.

SYNOD OF VICTORIA BILL.—The Order of the Day for the committal of this Bill being read, the Honorable R. S. Anderson moved, That the President do now leave the chair.

Question—put and passed.

The President left the Chair.

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for the next day of meeting.

BOARD OF AGRICULTURE BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. H. F. Mitchell moved, That the Bill be read a second time this day six months.

Debate ensued.

Question—put and passed.

REAL PROPERTY STATUTE 1864 AMENDMENT BILL.—The Order of the Day for the consideration of the amendments made by the Legislative Assembly in this Bill being read, the amendments, on the motion of the Honorable T. H. Fellows, were agreed to, as follows:—

Preamble, line 3, after “Assembly,” insert “of Victoria.”

Insert new clauses A, B, C, and D, to follow clause 2.

A. In orders to be hereafter made under the eighty-eighth section of the said *Real Property Statute* 1864 for vesting any powers of leasing in any trustees or other persons, no condition shall be inserted requiring that the leases thereby authorised should be submitted to or be settled by the court or the Master in Equity (or be made conformable with any model lease which may hereafter be deposited in the office of the Master in Equity), save only in any case in which the parties applying for the order may desire to have any such condition inserted or in which it shall appear to the court that there is some special reason rendering the insertion of such a condition necessary or expedient.

B. In all cases of orders already made in pursuance of the said eighty-eighth section in which any such condition as aforesaid has been inserted, it shall be lawful for any party interested to apply to the court to alter and amend such order by striking out such condition, and the court shall have power to alter the same accordingly, and the order so altered shall have the same validity as if it had originally been made in its altered state; but nothing herein contained shall make it obligatory on the court to act under this section in any case in which from the evidence which was before it when the order sought to be altered was made or from any other evidence it shall appear to the court that there is any special reason why in the case in question such a condition is necessary or expedient.

C. And whereas doubts are entertained whether in the construction of the seventy-ninth section of the said Statute the court is bound by the state of facts existing at the period of the settlement taking effect, or by the state of facts at the time of an application to the court under the said Statute, and it is desirable that such doubts should be removed: Be it enacted that the court, in determining what are settled estates within Part V of the *Real Property Statute* 1864, shall be governed by the state of facts and by the trusts or limitations of the settlement at the time of the said settlement taking effect.

D. The three last preceding sections of this Act shall be deemed to be portion of Part V of the *Real Property Statute* 1864 and to be included in the citation thereof by its short title; and all proceedings under the said sections shall be subject to the same rules and orders and shall be conducted in the same manner as proceedings under the said Part of the said Statute.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments.

JUSTICES OF THE PEACE STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the consideration of the amendments made by the Legislative Assembly in this Bill being read, the following amendments were severally agreed to on the motion of the Honorable T. H. Fellows:—

Preamble, line 3, after “Assembly,” insert “of Victoria.”

Clause 1, line 9, after “goods,” insert “and chattels.”

„ line 12, after “chattels,” omit “or beasts.”

The Honorable T. H. Fellows moved, That the Council do not agree to the following amendment made by the Legislative Assembly in this Bill:—

After clause 3, insert new clause A, as follows:—

“All affidavits and declarations sworn or made in pursuance of any Act to be used in any court of general sessions or in any proceedings before justices, shall and may be sworn or made without fee other than the fee of court before any clerk of the peace or any clerk of petty sessions, or such other person as the Governor in Council may appoint.”

Debate ensued.

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message to acquaint them that the Council have agreed to certain amendments, and have not agreed to one amendment in the Bill.

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

“*Payment of Members Bill*”—to be read a second time.

At half-past six o'clock the Council was adjourned during pleasure.

At half-past seven o'clock the President resumed the Chair.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 3RD SEPTEMBER, 1867.

1. HON. R. S. ANDERSON : To ask the Honorable Member representing the Government, Whether in the event of the Honorable Mr. Verdon being appointed Agent-General for Victoria in England, it is intended by the Government to give greater effect to the provisions of the Immigration Act than is practised under the existing Immigration Regulations ; and whether it is intended to submit the instructions of the Government to the proposed Agent-General to both Houses of Parliament before completing the proposed arrangement.

ORDERS OF THE DAY :—

1. PUBLIC LIBRARY BILL.—To be further considered in Committee.
2. BOROUGH, SHIRE, AND ROAD DISTRICTS LAW AMENDMENT BILL.—Adoption of Report.
3. MINING COMPANIES LIMITED LIABILITY ACT AMENDMENT BILL.—Adoption of Report.
4. SYNOD OF VICTORIA BILL.—Adoption of Report.

WEDNESDAY, 4TH SEPTEMBER.

General Business.

ORDER OF THE DAY :—

1. PAYMENT OF MEMBERS BILL.—To be read a second time.

THURSDAY, 5TH SEPTEMBER.

NOTICE OF MOTION :—

1. The Hon. T. H. FELLOWS : To move for leave to bring in a Bill to alter the number and mode of Election of Members to be returned to Parliament, to amend the Law relating to Responsible Ministers of the Crown, to lengthen the duration of the Legislative Assembly, and to indemnify the Members of that House.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 59.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 3RD SEPTEMBER, 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 accepts with gratification as Her Majesty's Representative, and he thanks the Legislative Council for the assurance of their loyalty and attachment to Her Majesty's throne and person, and he desires to express to them his appreciation of their zeal for the maintenance of this colony as an integral portion of the British Empire.

It is the duty of the Governor to receive with respect the advice and assistance of both the deliberative Houses of the Legislature, and the Legislative Council may be assured that he is at all times anxious to give to their representations and recommendations the attention which their authority justly deserves.

The Governor receives with entire confidence the assurances of the Legislative Council that they are not insensible to the suffering and confusion resulting from the rejection of an Appropriation Bill, and that they have had no intention of withholding their assent to the general supplies for the service of the year. At the same time he cannot help expressing his regret that the Government is incapacitated by the rejection of the Appropriation Bill from conducting the administration of Public Affairs, as regards the satisfaction of undisputed pecuniary claims, in the usual and strictly constitutional manner.

The Governor would observe that this incapacity now attaches indisputably and admittedly to the Queen's Government in this colony, without reference to the political opinions of those who may hold office as the responsible advisers of the Governor; and he would further observe, that while the distribution of supreme power among different bodies is an essential principle of the British Constitution, and of all other political constitutions formed upon its model, it is admitted by every constitutional authority that such constitutions can exist only by the forbearance of the different bodies among whom the supreme power is thus distributed.

The Governor trusts that, by the exercise of a wise moderation, combined action may be restored to Parliament, and the Executive Government thereby relieved from their existing inability to perform their duties in meeting the requirements of the public service to the Crown and to the people.

Government Offices,
Melbourne, 2nd September, 1867.

PUBLIC LIBRARY BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being called on, the Honorable T. H. Fellows moved, That the Order of the Day be postponed until after the disposal of the other Orders of the Day.

Question—put and passed.

BOROUGH, SHIRES, AND ROAD DISTRICTS LAW AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for the next day of meeting.

MINING COMPANIES LIMITED LIABILITY ACT AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable T. H. Fellows moved, That the title of the Bill be "*An Act to amend the Mining Companies Limited Liability Act 1864.*"

Question—put and passed.

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

SYNOD OF VICTORIA BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable R. S. Anderson moved, That the Report be now adopted.

Question—put and passed.

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

Debate ensued.

Question—put and passed.

Bill read a third time, and, on the motion of the Honorable R. S. Anderson, *passed*.

The Honorable R. S. Anderson moved, That the title of the Bill be, "*An Act to amend the Act 22 Victoria No. 82, intituled 'An Act to amend an Act intituled 'An Act to regulate the temporal affairs of the Synod of Victoria, and to amend the law relating thereto' and for other purposes therein mentioned.'*"

Question—put and passed.

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

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 Three 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.

Legislative Assembly Chamber,
Melbourne, 3rd September, 1867.

Speaker.

CONSOLIDATED REVENUE BILL (3).—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 W. Highett moved, That a Committee of 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 form of Preamble with reference to the Consolidated Revenue Bill before the House.

Debate ensued.

Council divided.

Contents, 19.

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

Not Contents, 9.

The Hon. J. McCrae
 Jas. Henty
 G. W. Cole
 T. T. a'Beckett
 S. G. Henty
 N. Fitzgerald
 A. Fraser
 W. Degraives
 W. H. Pettett (*Teller*).

The question was therefore passed

The Honorable W. Highett moved, That the Committee consist of the following Members, viz.:—The Honorable C. Sladen, W. Campbell, W. H. F. Mitchell, J. F. Strachan, J. P. Bear, T. H. Fellows, and the mover.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have appointed a Committee of seven Members to meet and confer with a like number of Members of the Legislative Assembly to take into consideration the form of Preamble of the Bill.

CONSOLIDATED REVENUE BILL (3).—The Honorable G. W. Cole moved, That the second reading of this Bill be made an Order of the day for to-morrow.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend 'The Justices of the Peace Statute 1865,'*" and acquaint them that the Legislative Assembly do not insist on their amendment to insert new clause A in this Bill.

Legislative Assembly Chamber,
 Melbourne, 3rd September, 1867.

FRANS. MURPHY,
 Speaker.

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, 3rd September, 1867.

FRANS. MURPHY,
 Speaker.

EXPIRING LAW CONTINUATION BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

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

1. Mining Operations—Reservoir at Myers exempted from.—Order in Council (19th August, 1867).
2. Cricket Reserve Mining Company authorised to construct Drives under a Reserve at Ballarat.—Order in Council (22nd August, 1867).

Ordered severally to lie on the Table.

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

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

Ordered.

The Council adjourned at six o'clock until four o'clock on Wednesday, the 4th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 4TH SEPTEMBER, 1867.

Government Business.

ORDERS OF THE DAY :—

1. BOROUGHS, SHIRES, AND ROAD DISTRICTS LAW AMENDMENT BILL.—Adoption of Report.
2. CONSOLIDATED REVENUE BILL (3).—To be read a second time.
3. PUBLIC LIBRARY BILL.—To be further considered in Committee.

General Business.

ORDERS OF THE DAY :—

1. PAYMENT OF MEMBERS BILL.—To be read a second time.
 2. EXPIRING LAW CONTINUATION BILL.—To be read a second time.
-

THURSDAY, 5TH SEPTEMBER.

NOTICE OF MOTION :—

1. The Hon. T. H. FELLOWS : To move for leave to bring in a Bill to alter the number and mode of Election of Members to be returned to Parliament, to amend the Law relating to Responsible Ministers of the Crown, to lengthen the duration of the Legislative Assembly, and to indemnify the Members of that House.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 4TH SEPTEMBER, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

BOROUGH, SHIRE, AND ROAD DISTRICTS LAW AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable T. H. Fellows moved, That the Title of the Bill be "*An Act to amend the Law relating to Boroughs, Shires, and Road Districts.*"

Question—put and passed.

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

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

"*Consolidated Revenue Bill*" (3)—to be read a second time.

"*Public Library Bill*"—to be further considered in Committee.

"*Payment of Members Bill*"—to be read a second time.

EXPIRING LAW CONTINUATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

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

The Honorable T. H. Fellows moved, That the title of the Bill be "*An Act 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.

POSTPONEMENT.—The Order of the Day for the second reading of the Consolidated Revenue Bill (3) was postponed until after the consideration of the succeeding Order of the Day.

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

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

Ordered.

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

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that the Legislative Assembly have appointed a Committee of seven members to meet and confer with the

Committee of the Legislative Council, to take into consideration the form of Preamble with reference to the Consolidated Revenue Bill ; and the Legislative Assembly name the time of meeting to be this day, and the place of meeting to be the South Library.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th September, 1867.

The Council adjourned during pleasure.

At half-past seven o'clock the President resumed the Chair.

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

Truck System.—Report of Board (30th August, 1867).

Ordered to lie on the Table.

CONSOLIDATED REVENUE BILL (3).—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.

The Honorable R. S. Anderson moved, That the debate be adjourned until to-morrow.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to amend the Act 22 Victoria No. 82, intituled ‘An Act to amend an Act intituled ‘An Act to regulate the temporal affairs of the Synod of Victoria, and to amend the law relating thereto,’ and for other purposes therein mentioned,’*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment made in this Bill by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th September, 1867.

PAYMENT OF MEMBERS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable G. W. Cole moved, That the consideration of the Order of the Day be postponed until to-morrow.

Question—put and negatived.

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

Debate ensued.

Question—put and negatived.

PUBLIC LIBRARY BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being called on, the Honorable G. W. Cole moved, That the Order of the Day be postponed until Tuesday next.

Question—put and passed.

The Council adjourned at twenty minutes to nine o'clock until four o'clock on Thursday, the 5th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 5TH SEPTEMBER, 1867.

- The Hon. H. M. MURPHY : To ask the Honorable Member representing the Government—
 - Whether, in the opinion of the Law Officers, it is competent for Parliament to pass an *ad interim* Supply Bill after the Appropriation Bill has been rejected.
 - Whether, if such Bill were passed, it would be competent for the Commissioners of Audit to certify under the provisions of the Public Money and Audit Act funds so voted as legally available during a prorogation of Parliament.

NOTICE OF MOTION :—

- The Hon. T. H. FELLOWS : To move for leave to bring in a Bill to alter the number and mode of Election of Members to be returned to Parliament, to amend the Law relating to Responsible Ministers of the Crown, to lengthen the duration of the Legislative Assembly, and to indemnify the Members of that House.

ORDER OF THE DAY :—

- CONSOLIDATED REVENUE BILL (3).—Adjourned debate on second reading.

TUESDAY, 10TH SEPTEMBER.

ORDER OF THE DAY :—

- PUBLIC LIBRARY BILL.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 5TH SEPTEMBER, 1867.

CONSOLIDATED REVENUE BILL (3).—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, being read, the debate was resumed. At twenty minutes to seven o'clock the House was adjourned during pleasure.

At twenty minutes to eight o'clock the President resumed the Chair.

Amendment moved by the Honorable W. H. F. Mitchell, That the following words be inserted in the question after the word "That," "notwithstanding the enactment of this Bill without an intention to appropriate the supplies during the present session is at variance with the spirit of the Constitution, and in full reliance that the vote which caused the rejection of the Appropriation Bill will not be paid out of the money now to be made available, and in the hope that His Excellency's advisers will not again recommend a course which can only lead to future complications,"

Debate ensued.

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

Question—That, notwithstanding the enactment of this Bill without an intention to appropriate the supplies during the present session is at variance with the spirit of the Constitution, and in full reliance that the vote which caused the rejection of the Appropriation Bill will not be paid out of the money now to be made available, and in the hope that His Excellency's advisers will not again recommend a course which can only lead to future complications, this Bill be now read a second time—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.

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

The President left the Chair.

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

The Honorable 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 to apply the sum of Three hundred thousand pounds out of the Consolidated Revenue to the service of the Year One thousand eight hundred and sixty-seven.*"

Question—put and passed.

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

ROYAL ASSENT TO BILLS.—The President announced to the Council that he had received a communication from the Private Secretary, to the effect that it is the intention of His Excellency the Governor to proceed to the Legislative Council Chamber, on Friday next, the 6th instant, at half-past four o'clock, to assent in Her Majesty's name to certain Bills passed by the Legislative Council and Legislative Assembly.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to amend the law relating to General Rates in Boroughs, Shires, and Road Districts,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill, and have agreed to another amendment with amendments, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 5th September, 1867.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to amend the Mining Companies Limited Liability Act 1864,*” and acquaint them that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill, and have agreed to one of the amendments of the Legislative Council with amendments, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 5th September, 1867.

BOROUGH, SHIRE, AND ROAD DISTRICTS LAW AMENDMENT BILL.—The Honorable T. H. Fellows moved, That the Council do agree to the following amendments made by the Legislative Assembly in the new clause A, inserted by the Council in this Bill :—

After “borough” in line 1, insert “beyond the distance of eight miles from the corporate limits of the city of Melbourne or the town of Geelong”; and, at the end of the clause, add “and all bye-laws made under the authority of this section shall be subject to all the conditions and provisions of the said Act relating to bye-laws.”

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments made by the Legislative Assembly in the Bill.

MINING COMPANIES LIMITED LIABILITY ACT AMENDMENT BILL.—The Honorable T. H. Fellows moved, That the Council do agree to the following amendments made by the Legislative Assembly in the Schedule inserted by the Council in this Bill, viz. :—

In line 6 omit “county.”

In line 6 omit “a,” and insert “proceedings” instead of “action.”

Line 9, after “judgment” insert “[or order, as the case may be].”

Line 13, after “judgment” insert “[or order].”

Line 42, before “cause” insert “sufficient.”

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments made by the Legislative Assembly in the Bill.

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

Question—put and passed.

The Council adjourned at twenty minutes to nine o'clock until four o'clock on Friday, the 6th instant.

ORDER OF THE DAY.

TUESDAY, 10TH SEPTEMBER, 1867.

ORDER OF THE DAY :—

1. PUBLIC LIBRARY BILL.—To be further considered in Committee.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 6TH SEPTEMBER, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending an amendment in the Bill intituled "*An Act to consolidate and amend the law relating to Lunatics,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to such amendment, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 6th September, 1867.

J. H. T. MANNERS SUTTON,
Governor.

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

Clause 1, line 1, strike out "September," and substitute "October."

Government Offices,
Melbourne, September, 1867.

LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—The Honorable G. W. Cole moved, That the Council do now agree to the amendment recommended by His Excellency the Governor in this Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council have agreed to the amendment recommended by His Excellency the Governor in the Bill.

CONFERENCE COMMITTEES' PROCEEDINGS.—The Honorable H. M. Murphy, with leave of the Council, moved, without notice, That the Proceedings of the Conference Committees of 1866 and 1867, together with the notes taken by the Shorthand Writer, be placed upon the table of this House.

Question—put and passed.

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

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

"*An Act to make permanent provision for a Branch of the Royal Mint in Victoria,*"
"An Act to explain certain provisions in the Act of Parliament of Victoria
No. 295,"

- “An Act to consolidate and amend the law relating to Lunatics,”
 “An Act to amend the laws relating to or affecting Public Health,”
 “An Act to protect Game,”
 “An Act to amend ‘The Passengers Harbors and Navigation Statute 1865,’”
 “An Act to amend ‘The Instruments and Securities Statute 1864,’”
 “An Act for the continuation of an Expiring Law,”
 “An Act to vest portion of Suburban Section 68 in the Parish of Jika Jika and County of Bourke in Her Majesty and in the Mayor Councillors and Burgesses of the Borough of East Collingwood,”
 “An Act to amend ‘The Mining Statute 1865,’”
 “An Act to amend ‘The Transfer of Land Statute,’”
 “An Act to amend ‘The Real Property Statute 1864,’”
 “An Act to amend ‘The Justices of the Peace Statute 1865,’”
 “An Act for the Continuation of an Expiring Law,”
 “An Act to amend the Act 22 Victoria No. 82 intituled ‘An Act to amend an Act intituled “An Act to regulate the temporal affairs of the Synod of Victoria and to amend the law relating thereto,” and for other purposes therein mentioned,’”
 “An Act to apply the sum of Three hundred thousand pounds out of the Consolidated Revenue to the service of the Year One thousand eight hundred and sixty-seven,”
 “An Act to amend the Law relating to Boroughs Shires and Road Districts,”
 “An Act to amend ‘The Mining Companies Limited Liability Act 1864.’”

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

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

“J. H. T. MANNERS SUTTON,
“Governor.”

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

His Excellency the Governor left the Council Chamber.

The Council adjourned at five o'clock until four o'clock on Tuesday the 10th instant.

NOTICE OF MOTION AND ORDER OF THE DAY.

TUESDAY, 10TH SEPTEMBER, 1867.

NOTICE OF MOTION :—

The Hon. H. M. MURPHY : To move, That a Committee be appointed to prepare a respectful address to His Excellency the Governor on the subject of the course proposed in the correspondence between His Excellency and his advisers, which has been placed on the Table of this House on the 29th day of August last.

ORDER OF THE DAY :—

1. PUBLIC LIBRARY BILL.—To be further considered in Committee.

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

VICTORIA.

No. 63.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 10TH SEPTEMBER, 1867.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PROROGATION.—The President announced to the Council that he had received a communication from the Private Secretary intimating that it is the intention of His Excellency the Governor to proceed to the Legislative Council Chamber on Tuesday, the 10th instant, at half-past four o'clock, for the purpose of proroguing Parliament.

CONFERENCE COMMITTEES' PROCEEDINGS.—The President laid on the Table a Return to the Order of the House made on the 6th instant.

The Honorable H. M. Murphy moved, That the Return be printed, with the exception of such portions as relate to the Public Health Laws Amendment Bill.

Question—put and passed.

MINUTES ON THE SUBJECT OF THE REJECTION OF THE APPROPRIATION BILL.—The Honorable H. M. Murphy, in accordance with amended notice, moved, That a Committee of five members be appointed to prepare a respectful Address to His Excellency the Governor on the subject of the course proposed in the correspondence between His Excellency and his advisers, which has been placed on the Table of this House on the 29th day of August last.

Debate ensued.

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

His Excellency the Governor came into the Council Chamber and commanded the Usher, in Her Majesty's name, to desire the attendance of the Legislative Assembly in the Council Chamber; who being come with their Speaker, 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 meet you on this occasion for the purpose of proroguing Parliament with a view to its early re-assembling in another Session.

This step is taken by me because Parliament is disabled, during the present Session, from considering a measure for the Appropriation of the Supplies for the year.

I now, in Her Majesty's name, declare this Parliament to be prorogued until Wednesday, the 18th day of the present month of September.

J. H. T. MANNERS SUTTON.

Which being concluded, a copy of the Speech was delivered to the President of the Council and 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 FIRST SESSION OF 1867.

No. 1.—ADDRESS OF CONGRATULATION TO THE GOVERNOR ON ASSUMING OFFICE.

Appointed 17th January, 1867.

The Hon. A. Fraser. R. Turnbull C. J. Jenner	The Hon. C. Sladen G. W. Cole (<i>Mover</i>).
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No. 2.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 23rd January, 1867.

The Hon. Robert Stirling Anderson John Pinney Bear Nicholas Fitzgerald Alexander Fraser	The Hon. James Graham John Sherwin Charles Sladen * Henry Morgan Murphy.
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* Appointed *vice* Hon. C. Sladen (resigned) 21st February, 1867.

No. 3.—STANDING ORDERS.

Appointed 23rd January, 1867.

The Hon. The President T. H. Fellows C. Sladen	The Hon. J. F. Strachan A. Fraser.
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No. 4.—LIBRARY (JOINT).

Appointed 23rd January, 1867.

The Hon. The President J. Henty C. Sladen	The Hon. J. Graham J. P. Bear.
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No. 5.—PRINTING.

Appointed 23rd January, 1867.

The Hon. J. P. Fawcner W. Campbell C. J. Jenner	The Hon. J. McCrae T. T. a'Beckett.
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No. 6.—REFRESHMENT ROOMS (JOINT).

Appointed 23rd January, 1867.

The Hon. W. Highett N. Fitzgerald A. Fraser	The Hon. W. H. Pettett J. Sherwin.
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No. 7.—PARLIAMENT BUILDINGS (JOINT).

Appointed 23rd January, 1867.

The Hon. The President W. Degraives R. S. Anderson	The Hon. R. Turnbull G. W. Cole (<i>Mover</i>).
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No. 8.—ADDRESS IN REPLY TO GOVERNOR'S SPEECH.

Appointed 23rd January, 1867.

The Hon. A. Fraser C. Sladen C. J. Jenner T. T. a'Beckett	The Hon. J. McCrae W. Campbell G. Rolfe (<i>Mover</i>).
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No. 9.—CONSTITUTION OF LEGISLATIVE COUNCIL.

Appointed 5th February, 1867.

The Hon. T. T. a'Beckett	The Hon. W. Degraives
J. F. Strachan	H. M. Murphy
C. Sladen	J. P. Fawkner
A. Fraser	W. Highett
T. H. Fellows	W. H. F. Mitchell (<i>Mover</i>).

No. 10.—ADDRESS TO THE HONORABLE BRIGADIER-GENERAL G. J. CAREY,
C.B., &c., &c.

Appointed 5th February, 1867.

The Hon. T. T. a'Beckett	The Hon. C. J. Jenner
C. Sladen	J. McCrae
G. Rolfe	J. Graham
W. Campbell	G. W. Cole (<i>Mover</i>).
W. H. F. Mitchell	

No. 11.—BILLS INCIDENTALLY INVOLVING IMPOSTS, ETC.—COMMITTEE TO
CONFER UPON.

Appointed 9th April, 1867.

The Hon. T. T. a'Beckett	The Hon. A. Fraser
R. S. Anderson	H. M. Murphy
G. W. Cole	C. Sladen (<i>Mover</i>).
T. H. Fellows	

No. 12.—PUBLIC HEALTH LAWS AMENDMENT BILL—COMMITTEE TO
CONFER UPON.

Appointed 7th May, 1867.

The Hon. T. T. a'Beckett	The Hon. W. Highett
R. S. Anderson	H. M. Murphy (<i>Mover</i>).
J. P. Fawkner	

No. 13.—PUBLIC HEALTH LAWS AMENDMENT BILL.—TO DRAW UP
REASONS FOR INSISTING ON AMENDMENTS.

Appointed 6th June, 1867.

The Hon. C. Sladen	The Hon. H. M. Murphy (<i>Mover</i>).
R. S. Anderson	

No. 14.—INSOLVENCY LAW AMENDMENT BILL.

Appointed 2nd July, 1867.

The Hon. T. T. a'Beckett	The Hon. W. Highett
R. S. Anderson	J. P. Fawkner
T. H. Fellows	C. Sladen (<i>Mover</i>).
J. Graham	

No. 15.—LAW OFFICERS DEPARTMENT.

Appointed 17th July, 1867.

The Hon. W. Highett	The Hon. W. Campbell
J. F. Strachan	C. J. Jenner
W. H. F. Mitchell	T. H. Fellows (<i>Mover</i>).

No. 16.—CONSTITUTION—COMMITTEE TO CONFER UPON.

Appointed 18th July, 1867.

The Hon. R. S. Anderson	The Hon. T. Learmonth
T. H. Fellows	W. H. F. Mitchell
W. Highett	C. Sladen (<i>Mover</i>).

No. 17.—PRECEDENTS.

Appointed 6th August, 1867.

The Hon. The President	The Hon. J. F. Strachan
T. H. Fellows	J. P. Bear
W. H. F. Mitchell	A. Fraser
W. Highett	W. Campbell
J. P. Fawkner	C. Sladen (<i>Mover</i>).

No. 18.—* ADDRESS TO THE GOVERNOR ON REJECTION OF APPROPRIATION BILL.

Appointed 21st August, 1867.

The Hon T. H. Fellows	The Hon. J. Graham
W. Campbell	J. P. Fawkner
H. M. Murphy	W. Degraives
Dr. Hope	W. H. F. Mitchell
N. Fitzgerald	C. Sladen (<i>Mover</i>).

*This Committee was re-appointed on the 22nd August, 1867, to re-consider the Report brought up on the 21st instant.

No. 19.—PUBLIC WORKS STATUTE 1865 AMENDMENT BILL—COMMITTEE TO CONFER UPON.

Appointed 22nd August, 1867.

The Hon. C. Sladen	The Hon. T. T. a'Beckett
R. S. Anderson	T. H. Fellows (<i>Mover</i>).

No. 20.—CONSOLIDATED REVENUE BILL (3)—COMMITTEE TO CONFER UPON.

Appointed 3rd September, 1867.

The Hon. C. Sladen	The Hon. J. P. Bear
W. Campbell	T. H. Fellows
W. H. F. Mitchell	W. Highett (<i>Mover</i>).
J. F. Strachan	

166

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1867.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

TUESDAY, 30TH APRIL, 1867.

No. 1.—LUNACY LAWS CONSOLIDATION AND AMENDMENT BILL.—Clause 48.—It shall be lawful for the Governor in Council from time to time to appoint an inspector or a deputy inspector of asylums hospitals and licensed houses in Victoria "who may" also be the superintendent of a public asylum and also one or more official visitors of particular asylums hospitals or licensed houses in Victoria who shall be justices of the peace and such inspector or deputy inspector or official visitors from time to time to remove and such inspector and deputy shall be paid a salary in addition to their travelling expenses Provided that such inspector shall not during the continuance of his office himself carry on in Victoria or be the partner assistant father son or brother of any person carrying on in Victoria the profession or business of a physician surgeon or apothecary and any inspector who shall violate this enactment shall be guilty of a misdemeanor.

Motion made—That the words "who may," in the third line of the above clause be struck out, with a view to insert the words "shall not."—(Hon. J. F. Strachan.)

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

Committee divided.

Contents, 10.

The Hon. C. Sladen
W. H. F. Mitchell
T. T. a'Beckett
C. J. Jenner
W. Highett
J. P. Bear
A. Fraser
R. Turnbull
G. W. Cole
W. Campbell (Teller).

Not Contents, 4.

The Hon. R. S. Anderson
J. P. Fawkner
J. F. Strachan
H. M. Murphy (Teller).

168

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1867.

WEEKLY REPORT OF DIVISIONS IN COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

WEDNESDAY, 17TH JULY, 1867.

No. 1.—CONSOLIDATION OF ACTS AMENDMENT BILL.—Clause 1.—The thirty-third section of the “*Transfer of Land Statute*” shall be and the same is hereby repealed, and in lieu thereof the following shall be, “*and shall be deemed to have been*” from the time of the coming into operation of the said Statute, and may be cited as the thirty-third section of the said Statute (that is to say):—“An office copy of any order heretofore made or “which shall hereafter be made by the Supreme Court in equity (whether such order “shall hereafter be in the form of an order confirming the master’s report or in any other “form) confirming a person as the purchaser of any land sold in fee simple under or in “pursuance of any decree or order of such court, together with an office copy of such “decree or order and such certificate of payment as is hereinafter mentioned, may for the “purpose of bringing land under this Act be deemed by the commissioner sufficient “evidence of the title of the purchaser to such land, subject to any estate or interest “appearing by the decree or order or order of confirmation or subsequently created and “registered. Every order of confirmation of a purchase which shall hereafter be made “shall be drawn up so as to refer to a schedule thereto containing the name and addition “of the purchaser, and a description of the land purchased by him; and the master in “equity is hereby required, after payment and acceptance of all the money payable in “respect of any particular purchase, to give upon any such office copy order of con- “firmation a written certificate that the purchase money and all interest in respect thereof “payable by any purchaser named in such certificate for any land therein referred to has “been wholly paid.”

Motion made—That the words, “*and shall be deemed to have been,*” in the third line of the above clause, be omitted.—(*Hon. T. H. Fellows.*)

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

Committee divided.

Contents, 9.
The Hon. The President
G. W. Cole
C. Sladen
T. T. a'Beckett
J. P. Bear
A. Fraser
J. Graham
W. Degraives
W. H. Pettett (*Teller*).

Not Contents, 13.
The Hon. T. H. Fellows
B. Williams
R. S. Anderson
W. Campbell
N. Black
H. M. Murphy
S. G. Henty
Dr. Hope
R. Turnbull
J. Sherwin
W. Highett
J. F. Strachan
W. H. F. Mitchell (*Teller*).

By Authority: JOHN FERRES, Government Printer, Melbourne.

[600 copies.]

169

1867.

VICTORIA.

RETURN OF RATEPAYERS

IN THE

CITY OF MELBOURNE, THE TOWN OF GEELONG, AND IN ALL
BOROUGHES, SHIRES, AND ROAD DISTRICTS IN
THE COLONY OF VICTORIA.

TO WHICH IS ADDED

A RETURN OF THE CLASSIFICATION OF ELECTORS FOR THE PROVINCES OF
THE SAID COLONY, TO 12TH MAY, 1866.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE G. W. COLE, 26TH FEBRUARY, 1867, AND
ORDERED BY THE COUNCIL TO BE PRINTED, 6TH MARCH, 1867.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

RETURN OF RATEPAYERS, ETC.

CITY, TOWN, AND BOROUGHES.

City, Town, and Boroughs.	Total Number of Ratepayers on the Rate last made.	Number of Persons rated under £25.	Number of Persons rated at from £25 and under £50.	Number of Persons rated at from £50 and under £100.	Number of Persons rated at from £100 and under £150.	Number of Persons rated at from £150 and under £200.	Number of Persons rated at from £200 and under £300.	Number of Persons rated at £300 and upwards.	Total Number of Persons entitled by reason of Professional qualifications to vote at elections of Members of the Legislative Council.
Melbourne	9,442	4,659	1,971	1,346	559	279	300	328	
Geelong	1,551	832	289	244	97	38	24	27	
Amherst	573	428	75	43	20	3	4	—	
Ararat	656	499	87	41	18	6	4	1	
Ballarat	3,941	2,839	634	306	81	42	19	20	
Ballarat East	3,126	2,445	336	171	56	28	13	6	
Beechworth	*617	429	94	60	17	7	4	6	
Belfast	464	376	45	27	8	3	1	4	
Brighton	371	139	97	84	36	8	4	3	
Brown's and Scarsdale	676	594	52	20	10	—	—	—	
Brunswick	1,196	982	132	62	16	2	—	2	
Buninyong	427	342	49	29	6	1	—	—	
Carisbrook	406	350	36	15	2	1	1	1	
Castlemaine	1,860	1,480	178	93	64	13	16	16	
Chewton	719	637	55	24	3	—	—	—	
Chiltern	†321	309	42	33	3	—	—	—	
Clunes	721	575	77	48	14	2	5	—	
Cragie	404	319	65	16	4	—	—	—	
Creswick	779	660	61	39	10	4	3	2	
Daylesford	1,319	949	248	81	19	11	8	3	
Dunolly	749	632	50	49	10	6	2	—	
Echuca	327	193	51	58	11	6	5	3	
Eaglehawk	1,229	1,048	107	47	14	5	4	4	
Emerald Hill	2,746	2,147	426	140	22	7	2	2	
East Collingwood	4,445	3,867	369	130	33	12	9	5	
Essendon and Flemington	358	248	48	32	11	15	3	1	
Footscray	860	737	53	60	7	3	—	—	
Fitzroy	‡2,434	1,520	624	373	104	34	19	12	
Hamilton	553	356	113	55	10	6	9	4	
Hawthorn	627	375	115	96	25	7	7	2	
Heathcote	565	492	37	27	7	1	1	—	
Hotham	2,250	1,827	323	78	20	—	1	1	
Inglewood	379	260	83	24	8	1	3	—	
Jamieson	222	159	30	22	5	2	4	—	
Kew	373	175	97	67	19	7	4	4	
Kilmore	430	336	55	21	13	3	1	1	
Malmsbury	283	203	42	24	8	3	1	2	
Maryborough	§ 523	371	71	38	19	7	5	6	
Newtown and Chilwell	1,519	1,333	82	70	23	4	3	4	
Portland	563	441	61	33	9	7	9	3	
Prahran	2,523	1,537	535	289	100	29	24	9	
Queenscliff	180	128	27	18	4	2	1	—	
Rutherglen	237	157	46	25	7	2	—	—	
Richmond	3,687	3,049	454	130	43	6	3	2	
Raywood	243	218	20	5	—	—	—	—	
Sale	346	196	83	52	9	2	1	3	
Steiglitz	263	227	19	14	1	2	—	—	
Sandhurst	5,033	4,042	574	247	76	30	33	31	
Sandridge	1,563	1,329	97	67	25	5	7	33	
Sebastopol	468	428	22	17	1	—	—	—	
Smythesdale	284	204	49	22	5	3	1	—	
South Barwon	388	300	51	24	5	5	3	—	
St. Arnaud	275	197	37	23	9	4	5	—	
St. Kilda	2,007	1,090	368	285	173	53	30	1	
Taradale	479	372	50	36	13	4	3	1	
Tarnagulla	346	272	37	26	6	1	3	1	
Wangaratta	231	139	38	28	16	3	4	3	
Warrnambool	604	463	76	47	5	5	4	4	
Wood's Point	537	287	97	53	39	25	19	17	
Woodend	276	209	31	24	7	2	2	1	
Williamstown ... ..	|| 1,853	1,393	319	103	25	9	4	—	
Totals	72,827	52,800	10,510	5,761	1,990	776	645	586	

See separate return, "Classification of Electors."

* Represents 786 properties.
 † The difference between the Number of Ratepayers on the roll (2434) and the total of persons rated as above (2686), arises from the fact that many of the latter were disfranchised, not having paid their rates by 20th June, 1865.
 § Several properties are rated in the names of two persons.
 ‡ Represents 387 properties.
 || For 2296 properties.

SHIRES AND ROAD DISTRICTS.

Shire, D Road District.	Shire or Road District.	Total Number of Ratepayers on the Rate last made.	Number of Persons rated under £25	Number of Persons rated at from £25 and under £50.	Number of Persons rated at from £50 and under £100.	Number of Persons rated at from £100 and under £150.	Number of Persons rated at from £150 and under £200.	Number of Persons rated at from £200 and under £300.	Number of Persons rated at £300 and upwards.
S	Alberton	405	256	81	41	16	9	1	1
S	Ararat	1,049	514	321	178	6	5	3	22
S	Avoca	920	696	125	65	13	7	4	10
S	Avon	752	525	100	77	24	7	6	13
D	Bacchus Marsh and Maddingley	343	198	87	32	12	7	3	4
S	Ballarat	914	292	170	271	94	43	32	12
S	Ballan	719	710	4	5	—	—	—	—
S	Bannockburn	473	286	97	46	25	5	9	5
S	Barrabool	677	447	143	61	7	5	13	1
S	Beechworth	1,297	1,068	144	71	12	1	—	1
S	Belfast	1,311	725	279	133	38	24	44	68
S	Bellarine	1,022	847	108	58	5	3	1	—
D	Berwick	303	186	59	44	5	1	4	4
S	Bet-Bet	1,147	1,004	85	32	12	5	4	5
D	Boroondara	299	192	63	28	10	4	1	1
D	Braybrook	249	160	47	30	6	—	2	4
D	Broadmeadows	324	164	50	53	35	11	7	4
D	Buckland	1,075	947	70	37	11	4	4	2
S	Bulla	271	158	32	38	17	8	11	7
D	Bungaree	1,085	860	180	37	4	2	1	1
D	Buninyong	2,190	1,895	210	63	13	4	1	4
D	Bylands and Glenburnie	154	85	42	18	8	—	1	—
D	Campaspe	634	503	58	41	17	2	7	6
D	Campbell's Creek	445	334	74	32	2	2	—	1
D	Caulfield	293	194	55	22	13	7	1	1
S	Colac	397	202	104	52	9	4	2	24
D	Connewarre	131	67	46	10	2	3	3	—
S	Corio	556	349	108	50	16	6	9	18
D	Cranbourne	387	271	57	37	5	3	8	6
S	Creswick	1,015	475	182	233	79	26	13	5
D	Dandenong	302	240	42	13	4	2	—	1
D	Donnybrook and Wallan-Wallan	203	114	36	20	20	4	3	6
S	Dundas	1,463	850	470	64	9	17	9	44
D	Echuca	40	8	5	9	4	1	4	9
D	Eltham	207	119	49	23	11	2	2	1
D	Epping	487	296	99	65	16	6	3	2
D	Franklin and Yandoit	911	703	152	44	9	2	1	—
D	Fryers	1,023	812	128	77	4	—	1	1
D	Gardiner	237	105	64	37	15	10	5	1
D	Gisborne	394	266	68	32	18	2	5	3
S	Glenelg	893	445	299	86	10	7	6	40
S	Glenlyon	475	315	76	59	16	6	1	2
D	Greensborough	120	69	36	11	1	—	3	—
S	Grenville	1,983	1,676	183	77	19	15	8	5
S	Hampden	696	404	147	91	7	5	5	37
D	Heidelberg... ..	308	144	85	36	19	9	12	3
D	Indigo	212	173	27	9	3	—	—	—
D	Kangerong... ..	141	102	25	8	4	1	—	1
D	Keilor	190	158	16	6	6	—	1	3
S	Korong	658	523	69	43	8	6	5	4
S	Kyneton	1,705	1,126	307	192	53	17	5	5
D	Lancefield	227	90	40	59	19	12	5	2
S	Leigh	417	406	6	—	2	1	2	—
S	Lexton	269	136	41	58	16	5	3	10
D	Loddon (East)	163	82	52	21	2	1	1	4
S	Maldon	1,524	1,157	206	111	32	6	8	4
D	Mansfield	370	172	67	67	23	16	15	10
S	Marong	987	741	130	80	20	7	4	5
D	Melton	225	131	57	17	10	3	—	7
D	Meredith	388	280	56	31	7	5	4	5
S	Metcalfe	527	364	72	65	11	6	2	7
D	Moorabbin	760	609	113	27	9	—	2	—
S	Mortlake	333	140	108	50	6	4	4	21
D	Mount Eliza	331	245	52	18	7	3	2	4
S	Mount Rouse	298	137	70	47	8	5	5	26
S	McIvor	358	241	51	31	11	5	5	14
S	Newstead	796	538	134	91	23	4	5	1
D	North Harrow	67	32	6	7	3	2	11	6
D	North Ovens	187	77	49	42	10	5	1	3
D	Nunawading	286	214	50	18	4	—	—	—
D	Oakleigh and Mulgrave	376	279	83	10	2	—	1	1

SHIRES AND ROAD DISTRICTS—continued.

S Shire. D Road District.	Shire or Road District.	Total Number of Ratepayers on the Rate last made.	Number of Persons rated under	Number of Persons rated at from £25 and under	Number of Persons rated at from £50 and under	Number of Persons rated at from £100 and under	Number of Persons rated at from £150 and under	Number of Persons rated at from £200 and under	Number of Persons rated at from £300 and upwards.
			£25.	£50.	£100.	£150.	£200.	£300.	
S	Oxley	202	76	45	53	19	4	3	2
D	Pentridge	394	294	67	25	4	2	2	—
S	Portland	480	268	113	45	12	5	4	33
D	Pyalong	202	91	50	32	20	6	2	1
S	Ripon	1,141	813	165	112	26	5	2	18
D	Rutherglen	622	509	75	24	7	6	1	—
S	Saint Arnaud	235	150	28	28	12	5	7	5
D	Seymour	165	73	42	26	7	6	4	7
D	Springfield	199	80	70	38	5	3	1	2
S	Stawell	*1,059	787	107	51	16	9	8	9
D	Strathfieldsaye	915	709	137	49	11	4	3	2
D	Swan Hill	62	13	6	6	5	9	3	20
S	Talbot	587	455	70	47	5	3	3	4
D	Templestowe	217	160	34	16	4	2	1	—
S	Tullaroop	*709	488	113	46	14	5	3	6
D	Upper Plenty or Morang	245	171	37	27	7	2	1	—
D	Upper Yarra	104	47	22	17	6	4	4	4
S	Waranga	473	337	59	37	20	5	6	9
S	Warrnambool	1,062	560	299	95	47	25	16	20
D	Whittlesea	136	80	23	17	11	2	2	1
D	Willowmavin	103	68	21	12	1	—	—	1
S	Wimmera	121	30	28	9	18	5	11	20
S	Winchelsea	373	210	92	34	8	1	5	23
D	Woodend, Newham, and Rochford	230	98	65	46	14	5	1	1
D	Woodstock	96	37	34	14	7	1	3	1
S	Wyndham	304	168	60	37	9	6	2	21
S	Yackandandah	646	444	112	60	14	7	6	3
	Totals	52,456	36,545	8,981	4,750	1,326	547	437	741

* The respective Councils explain the discrepancy between the figures in this column and the aggregate of the others by the fact that some of the holdings are held by several persons in a firm.

Roads and Bridges Office,
Melbourne, 19th May, 1866.

JOHN STEAVENSON,
Assistant Commissioner of Roads and Bridges.

SUMMARY.

	Total Number of Ratepayers on the Rate last made.	Number of Persons rated under	Number of Persons rated at from £25 and under	Number of Persons rated at from £50 and under	Number of Persons rated at from £100 and under	Number of Persons rated at from £150 and under	Number of Persons rated at from £200 and under	Number of Persons rated at from £300 and upwards.
		£25.	£50.	£100.	£150.	£200.	£300.	
CITY, TOWN, AND BOROUGHS ...	72,827	52,800	10,510	5,761	1,990	776	645	586
SHIRES AND ROAD DISTRICTS ...	52,456	36,545	8,981	4,750	1,326	547	437	741
GRAND TOTALS	125,283	89,345	19,491	10,511	3,316	1,323	1,082	1,327

J. MOORE.

176

R E T U R N

SHOWING THE CLASSIFICATION OF ELECTORS

FOR THE

PROVINCES OF THE COLONY OF VICTORIA,

TO 12TH MAY, 1866.

Provinces.	Number of Electors.						
	General Roll. — Revised October, 1865.	Supplementary Roll. — Revised April, 1866.	TOTAL.	Qualifications.			Indefinite or Not Specified.
				* Freehold.	Leasehold and Occupying Tenant.	Professional, Educational, and Official.	
Central	2,778	498	3,276	1,697	1,126	447	6
South	1,586	41	1,627	1,174	247	174	32
South-Western	1,877	187	2,064	1,356	406	295	7
Western	781	61	842	589	137	109	7
North-Western	2,681	86	2,767	2,007	369	350	41
Eastern	1,010	16	1,026	768	73	153	32
Totals	10,713	889	11,602	7,591	2,358	1,528	125

* It is possible that this column may include some Leaseholders, it being difficult in many cases to determine from the Rolls to which class the qualification belongs.

J. MOORE.

1867.

VICTORIA.

177
179

TAXED COSTS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE W. H. F. MITCHELL.—15TH MARCH, 1866.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE G. W. COLE, 23RD JANUARY, 1867,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 26TH MARCH, 1867.

A RETURN OF THE TAXED COSTS OF THE PETITIONERS IN THE ACTIONS
BROUGHT AGAINST THE CROWN FOR THE RECOVERY OF THE
DUTIES LEVIED UNDER THE RESOLUTIONS OF THE LEGISLATIVE
ASSEMBLY ; AND, ALSO, OF THE COSTS OF THE CROWN IN SUCH
ACTIONS.

By Authority.

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

178

RETURN of the Taxed Costs of the Petitioners in the Actions brought against the Crown for the recovery of the Duties levied under the Resolutions of the Legislative Assembly.

No. OF ACTION.	TITLE OF CAUSE.	TAXED COSTS.		
		£	s.	d.
2,134	Stevenson and another v. the Queen	152	8	0
2,873	Matthews and another v. the Queen	156	13	5
2,166	Banks and another v. the Queen	134	7	8
2,899	Banks and another v. the Queen	91	9	2
2,850	Dalgety and others v. the Queen	109	13	7
2,356	Sargood and others v. the Queen—Demurrer only ...	37	19	1
2,722	Ecroyd v. the Queen	105	0	8

Crown Law Offices, 1st June, 1866.

RETURN of the Costs of the Crown in the Actions for the recovery of the Duties levied under the Resolutions of the Legislative Assembly.

No. OF ACTION.	TITLE OF CAUSE.	COSTS.		
		£	s.	d.
2,134	Stevenson and another v. the Queen	88	6	6
3,297	Stevenson and another v. the Queen	5	10	0
2,873	Matthews and another v. the Queen	47	18	6
2,166	Banks and another v. the Queen	56	14	0
2,899	Banks and another v. the Queen	43	3	0
2,850	Dalgety and others v. the Queen	48	18	6
2,356	Sargood and others v. the Queen	55	6	0
2,156	Watson and others v. the Queen	58	16	6
2,856	Watson and others v. the Queen	38	17	6
2,157	McNaughton and another v. the Queen	49	15	6
2,837	McNaughton and another v. the Queen	38	17	0
2,868	McArthur and others v. the Queen	38	19	0
2,722	Ecroyd v. the Queen	45	13	0
3,457	Bright and others v. the Queen	8	18	0
3,803	McArthur and others v. the Queen	2	4	6
2,628	Paterson and others v. the Queen	3	8	6

Crown Law Offices, 1st June, 1866.

By Authority: JOHN FERRIS, Government Printer, Melbourne.

50

661

180

1867.

VICTORIA.

GOODS EX "QUEEN OF THE MERSEY."

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE R. S. ANDERSON.—5TH FEBRUARY, 1867.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE G. W. COLE, 12TH FEBRUARY, 1867, AND ORDERED BY THE COUNCIL TO BE PRINTED, 26TH MARCH, 1867.

COPIES of all Orders, Memoranda, and Correspondence regarding the Payment of Duty last year upon certain cases of Furniture, ex *Queen of the Mersey*, by Messrs. Wallach Brothers.

[COPY.]

Custom House,
Melbourne, 1st February, 1867.

Memo. for the Honorable the Commissioner of Trade and Customs.

Messrs. Wallach Brothers passed a free entry on 9th May, 1866, for twenty-eight cases iron bedsteads, which were detained by the department pending the settlement of the question as to such articles being liable to duty as furniture. Meantime, however, *by some mistake by the Melbourne and United Railway Co.'s* officers, they were delivered without the knowledge of the Customs' officer; and the Railway Company received verbal notice of the claim of the Crown to the duty on the bedsteads *wrongly delivered*. Before enforcing this claim, I endeavored to obtain the duty from the importer, to whom several verbal demands were made, and I then addressed a letter to Messrs. Wallach Brothers, marked A. Meeting with no reply, I sent a second letter, marked B, which was responded to by their solicitors, Messrs. Anderson and Sandilands (copy of letter marked C). I subsequently had more than one interview with Mr. Sandilands, by whose advice, I believe, the duty was finally paid on 9th August, 1866. £28 4s.

(Signed) J. CHATFIELD TYLER,
Collector of Customs.

[COPY.]

A.

Custom House,
Melbourne, 9th July, 1866.

GENTLEMEN,

Adverting to an entry passed by you on 9th May last, for $\triangle_{WB} \frac{76}{103}$, twenty-eight cases iron bedsteads, ex *Queen of the Mersey*, which were taken away by you without the sanction or knowledge of the proper officer of this department, from the sheds of M. & H. B. U. Railway Co., I have the honor to request that you will, without further delay, pay to this department the sum of Twenty-eight pounds four shillings, being duty due on the said goods, for which repeated verbal applications have already been made to you.

In the event of the said amount not being paid by the 14th instant, I shall deem it my duty to recommend that the matter be placed in the hands of the law officers of the Crown, for recovery thereof.

I have, &c.,
(Signed) J. CHATFIELD TYLER,
Collector of Customs.

[COPY.]

B.Custom House,
Melbourne, 18th July, 1866.

GENTLEMEN,

I have the honor to call your attention to my letter of 9th instant, requesting that duty on certain bedsteads, ex *Queen of the Mersey*, might be paid, and to ask that an immediate settlement may be made, or that a reply as to your intentions in the matter be furnished, with a view to future proceedings being determined.

I have, &c.,

(Signed)

J. CHATFIELD TYLER,
Collector of Customs.

Messrs. Wallach Brothers, Melbourne.

[COPY.]

C.

J. Chatfield Tyler, Esq., Collector of Customs.

91, Chancery Lane,
19th July, 1866.

SIR,

In reply to your letter of the 9th instant, addressed to Messrs. Wallach Brothers, we have been requested by these gentlemen to state, that the goods therein referred to were delivered to them in the usual manner, without any demand for duty having been made, and without any knowledge on their part that the same were in any way liable for duty; and that they were, therefore, much surprised that a demand should be made after the entry had been passed by them, and the goods regularly handed over. Our clients having, previous to the first communication from you on the subject, entered into negotiations for the sale of the goods in question, we trust that, for this reason, and under the circumstances above mentioned, the demand will not be further insisted.

We are, &c.,

(Signed)

ANDERSON AND SANDILANDS.

VICTORIA.

IMPORTS 1866.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE J. F. STRACHAN.—19TH FEBRUARY, 1867.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE G. W. COLE 26TH FEBRUARY, 1867,
AND ORDERED BY THE COUNCIL TO BE PRINTED 26TH MARCH, 1867.

A RETURN of the Value of the following Goods imported during the Year 1866, the Package Rate charged, and the amount collected on the same respectively:—Boots and Shoes, Saddlery and Harness, Leather and Leatherware, Machinery, Paper and Stationery, Drapery, Carriages, Hats and Caps, Musical Instruments, Haberdashery, Furniture, Hosiery, Apparel and Slops, Jewellery, Oilmen's Stores, Millinery.

During the year 1866, the New Tariff was in operation only from 12th April to 31st December; and it was only from 1st July that the Returns were kept under separate heads.

The entire Annual Returns of Imports and Exports are in course of preparation, but they cannot be finished for a few weeks; in the meantime the accompanying Return for Six Months is attached.

J. GUTHRIE,
Inspector-General.

STATEMENT showing the Quantity or Value of the undermentioned Imports, the Rate Charged, and the Duty collected thereon, during the Six Months ended 31st December, 1866.

Article.	Rate.	Quantity or Value.	Amount of Duty.	
			£	s. d.
Apparel and Slops	4s. ft.	57,846 $\frac{5}{12}$ ft.	11,569	6 8
Boots and Shoes	4s. ft.	26,930 $\frac{2}{12}$ ft.	5,386	2 4
Carriages	10 per cent.	£3,178	317	16 0
Furniture	10 per cent.	£39,688	3,968	16 0
Hats, Caps, and Bonnets	4s. ft.	40,779 $\frac{8}{12}$ ft.	8,155	18 8
Hosiery and Gloves	4s. ft.	17,696 $\frac{3}{12}$ ft.	3,539	5 0
Jewellery (including Watches, &c.)	10 per cent.	£25,374	2,537	8 0
Millinery	5s. ft.	8,021 $\frac{3}{12}$ ft.	2,005	9 5
Musical Instruments	10 per cent.	£15,884	1,588	8 0
Oilmen's Stores	10 per cent.	£58,919 11 6	5,892	3 2
Saddlery, Harness, Leatherware	4s. ft.	7,170 $\frac{11}{12}$ ft.	1,434	3 8

Audit Branch, Custom House,
22nd February, 1867.

J. GUTHRIE,
Inspector-General of Customs.

By Authority: JOHN FERRES, Government Printer, Melbourne.

1874

1867.

VICTORIA.

THE CUMBERLAND DISEASE.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE G. W. COLE, 13TH MARCH, 1867,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 26TH MARCH, 1867.

COPY OF CORRESPONDENCE RESPECTING SUPPOSED EXISTENCE OF THE
ABOVE-NAMED DISEASE IN SHEEP BROUGHT ACROSS THE RIVER
MURRAY.

Copy of Medical Certificate as to Death of Mrs. Kelly.

We, the undersigned, visited Mrs. Kelly, in consultation with Dr. Edwd. Hunt, on the 20th January, 1867. She was then very much prostrated from constant vomiting, from which she had been suffering for two or three days, and which remained unchecked by the various remedies administered by Dr. Hunt, who was in attendance on the case. The woman continued to sink, and died on the night of the 21st January. We attended on the following morning to assist Dr. Hunt in making a *post-mortem* examination of the deceased. The body was that of a woman about thirty-five years of age, well nourished; no external marks of violence. The thoracic viscera were all healthy; there was considerable effusion in the peritoneal sac; the stomach was apparently healthy; there were no abnormal appearances in the intestines. The liver was pale and somewhat granular; spleen natural; both kidneys were degenerated, offering well marked appearance of "Bright's disease." The uterus was healthy, and contained a well grown fetus of about five and a half months. Brain not examined. The woman was reported to us as suffering combined mental depression and physical exhaustion; the former consequent on the recent sudden decease of her husband, and the latter from the unusual fatigue and exposure necessitated by her following a flock of sheep for several days during more than usually sultry weather. This, taken in conjunction with the existing disease of the kidneys, appears to us quite sufficient to account for Mrs. Kelly's illness and death, more especially, complicated as it was in her case by somewhat advanced pregnancy.

Dr. Hunt was only a temporary resident in Beechworth, and is not now in the district.

(Signed)

HENRY T. FOX,

Surgeon, Beechworth.

ALVARA L. SLATER,

Resident Surgeon, Ovens District Hospital.

*Copy of Telegram from Mr. Inspector Perry, at Chiltern, to the Chief Inspector of Sheep,
Melbourne.*

11th March, 1867.

Result of my inquiries, Albury, respecting Kelly's sheep. Drs. Hutchison and Hesker, of Albury, attended late Mr. Layton. Both gentlemen state he suffered from animal poison, but whether from cattle or sheep I believe to be an open question. Dr. Hesker also stated, two of the men engaged by the late Kelly in driving the sheep came to him for advice, suffering from wounds showing symptoms of animal poison. No ill effects have come under those gentlemen's notice, nor could I learn of any from eating the meat, although a considerable number were slaughtered and sold there. From information, I believe there are reasonable grounds to fear the existence of disease in both sheep and cattle, but have failed to trace anything decisive.

(Signed)

RICHD. PERRY.

Town Clerk, Beechworth, to the Central Board of Health, Melbourne.

[COPY.]

Borough of Beechworth,
Town Hall, Saturday, 9th March, 1867.

The President of the Central Board of Health,
(*Re* diseased Sheep.)

SIR,

In further reference to your letter herein acknowledged by mine of yesterday, I have now to inform you that the report you refer to having seen is most exaggerated, and that the simple facts of the case are these :—

A man named Kelly purchased a flock of sheep at or near Wagga Wagga, and was bringing them to Albury, sleeping out in the bush with them in most inclement weather, took ill and died, and a *post-mortem* examination showed death to have resulted from organic disease. Mrs. Kelly then went after the sheep, and she too had to sleep out in the midst of stormy weather. However, she got the sheep into Beechworth, there took ill, and died in a day or two, after receiving every attention from the medical men who held consultations on the case. A *post-mortem* examination showed that she died from organic disease (of the kidneys). So much for two of the people *killed by the sheep*. As far as I can ascertain, the flock of sheep originally numbered perhaps about 300. On the road Kelly sold some (200, it is believed) to a man named Layton, at Albury, the rest being subsequently brought into Beechworth by Mrs. Kelly, and sold at the auction yards of the well known firm of J. H. Gray and Co., to various butchers around Beechworth, some at Stanley, at Chiltern, and at other places.

Layton proceeds to kill some of those bought by him, and it is *supposed* that some of the blood must have gained access into his system, because he had two pustules on one of his hands, and (*three days after* that he had been skinning the sheep) his arm began to harden from that hand upwards, and three days after that he died; and upon a *post-mortem* examination being held, the Albury doctors were of opinion, as I am informed, that death occurred from the introduction of *some* kind of animal poison into the system. I always was led to believe that inoculation with the poison of the Cumberland disease would produce almost instantaneous death; but here the effects of the poison (whatever it may have been) were not apparent for three days, and did not result in death for six days, that is, reckoning on the supposition that the poison was received from the sheep; whilst, indeed, it is by means impossible that it had been communicated to the man from some other source within those three first days. And what confirms me in my belief that this may have been the case is, that *not one of all the customers of the many butchers who became purchasers of various portions of the aforesaid flock of sheep have made any complaints of the meat being bad, or of having experienced any ill effects from eating it*; and I hear that the rest of the sheep purchased by Layton, and remaining unkilld at his decease, have been since bought and used by the butchers at Chiltern, not far from this.

The sheep inspector, Mr. Perry, has gone there and to Albury to make inquiries; but you may rely upon the correctness of the above statement, as I have my information from Mr. W. Telford, who knew Mrs. Kelly, and was instructed by her as to the sale of the sheep, &c., here in Beechworth.

I have, &c., &c.,
(Signed) W. H. DARVALL,
Town Clerk.

P.S.—Your secretary's letter of 7th inst. is this afternoon to hand, but calls for no further answer than I have afforded you herein, except that I may state that no "butcher in Beechworth poisoned by contact with diseased sheep is despaired of," none being ill from such a cause, that I have heard of.

Inspector Perry to the Chief Inspector of Sheep.

Chiltern, 11th March, 1867.

Telegram for Mr. Curr, Chief Inspector of Sheep.

Late Layton's sheep now close here for sale. Could learn of no positive case of ill effects from sale of same, although over two hundred were slaughtered and sold here. I killed a sheep on Saturday out of the flock now here, and fed on the meat since.

(Signed) RICHD. PERRY,
Sheep Inspector.

Inspector Perry to the Chief Inspector of Sheep.

Belvoir, 7th March, 1867.

Telegram for Mr. Curr, Chief Inspector of Sheep.

Wrote this morning from Chiltern result inquiries respecting Kelly's sheep sold at Beechworth. Two hundred and twenty crossed from Albury Thursday last, which I saw this morning near Chiltern. Killed one which showed every symptom of health. Saw Dr. Hesker of Albury this afternoon. He informed me three cases had come under his notice of contagion from Kelly's sheep, one of which was the late Layton, no other case fatal. No instances of ill effects from eating same sheep *en route* for sale. Please inform post-office, Chiltern, what steps to take. No ill effects from the first lot sold here.

(Signed) R. PERRY,
Sheep Inspector.

Inspector Perry to Chief Inspector of Sheep.

Chiltern, 8th March.

Telegram for Mr. Curr, Chief Inspector of Sheep.

No ill effect from sale of Kelly's sheep in any shape or form either at Beechworth or here. Rumor quite unfounded.

(Signed)

RICHARD PERRY,
Sheep Inspector.

Inspector Perry to the Chief Inspector of Sheep.

[COPY.]

Beechworth, 8th March, 1867.

Telegram to Chief Inspector of Sheep.

Reported yesterday that 220 sheep, remainder of Kelly's flock, are *en route* to Chiltern from Albury. 275 of Kelly's sheep were sold in Beechworth—150 to Lang, of Stanley, and 125 to Hagan, of Chinese camp—nearly the whole have been killed and eaten. No notice of the effect has come under the notice of the police or medical men to either human or animal life from sale of same. The sheep were sold by H. J. Gray and Co., of Beechworth, on 19th January, at twelve shillings a head; the greater number purchased by Chiltern butchers, where I am about starting (where please direct). From information at present gained, newspaper reports without foundation. 200 pigs have been feeding on the refuse—no instance of loss of life. Mrs. Kelly died from inflammation of the kidneys.

(Signed)

RICHARD PERRY,
Sheep Inspector.

Inspector Perry to the Chief Inspector.

SIR,

Beechworth, 8th March, 1867.

I beg to enclose a medical statement respecting the death of Mrs. Kelly.

I have the honor to be, Sir,

Your obedient servant,

E. M. Curr,

(Signed)

RICHARD PERRY.

Chief Inspector of Sheep, Melbourne.

Secretary Central Board of Health to the Chief Secretary.

SIR,

Central Board of Health,
Melbourne, 12th March, 1867.

By direction of the Central Board of Health, I have the honor to transmit, for your information, the accompanying copy of a report from the Local Board of Health at Beechworth, in reply to an inquiry made by this Board on the 6th inst., as to the circumstances connected with the death of two persons there and a third at Albury, which, according to a statement made in the *Argus* newspaper of the preceding day, arose from their becoming infected with poison, from which some sheep brought into this colony from New South Wales were suffering.

I have the honor to be, Sir,

Your most obedient servant,

The Honorable

(Signed)

THOMAS R. WILSON,

the Chief Secretary.

Secretary.

[COPY.]

The Chief Inspector of Sheep to the Honorable the Chief Secretary.

SIR,

Melbourne, 12th March, 1867.

I have the honor to forward Mr. Perry's telegram of yesterday, which only reached me late on that day.

I have further the honor to draw your attention to its concluding words, which, in my opinion, justify considerable anxiety on the matter, viz., "I believe there are reasonable grounds to fear the existence of disease in both sheep and cattle, but have failed to trace anything decisive."

In a matter of so serious a nature as the outbreak of Cumberland Disease in this colony, I trust you will see the propriety of my bringing under your notice the fact that, if it does exist in N.S. Wales, there is no other known way of dealing with it but that of stopping the ingress of diseased sheep from that colony; and *that if it does* once obtain a footing in Victoria, it is not unreasonable to apprehend (from what is positively known of its course in the neighboring colony) that its ravages *may* not come to an end until millions of sheep have become its victims.

I have, &c.,

(Signed)

EDWARD M. CURR.

Mr. Rowe to the Honorable the Chief Secretary.

[COPY.]

SIR,

Melbourne, 11th March, 1867.

I have the honor to enclose a telegram I received on Saturday in reference to the introduction of the Cumberland Disease into this colony. Though I understand that the effects of these diseased animals on human life have been much exaggerated, yet you have now from unquestionable authority (Mr. Evans, Miller of Wangaratta) the facts that both sheep and cattle affected with the Cumberland Disease have been driven from New South Wales into Victoria, and will be perfectly justified, when in a position to do so, in granting our most reasonable request, viz., that *all* stock, both sheep and cattle, be prohibited crossing the border from New South Wales without inspection and permission of our inspectors.

(Signed) I have, &c., JOHN P. ROWE.

Mr. Evans to Mr. Rowe.

[Enclosure.]

Telegram for Mr. John P. Rowe,
Scott's Hotel.

Wangaratta, 8th March, 1867.

Squatters here much alarmed. Cumberland Disease has appeared in Edgehill cattle and Kelly's sheep, both from New South Wales. Our agent will collect facts, which shall be sent down.

(Signed) D. HUGH EVANS.

The Colonial Secretary of New South Wales to the Chief Secretary of Victoria.

SIR,

Melbourne, 11th March, 1867.

I have the honor to acknowledge the receipt of your letter of the 8th inst., informing me that the Chief Inspector of Sheep for the colony of Victoria has reported to you that sheep dying of the Cumberland Disease had crossed the Murray into Victoria, and requesting that I would take such steps as may appear expedient for preventing any similar occurrence.

In reply, I have to state that, from telegrams received from Sydney, I learn that the inspector of sheep for New South Wales stationed at Albury, has reported the appearance of the Cumberland Disease in some sheep at Albury, in a flock passing through that place to Beechworth from the neighborhood of Wagga Wagga.

The Cumberland Disease has hitherto been confined in its attacks to cattle, and has been considered more in the light of an epidemic than a contagious disease.

The minister charged with the administration of the Act for the Prevention of Disease in Sheep has directed the inspector to make the fullest inquiry and report upon the subject.

(Signed) I have, &c., HENRY PARKES.

1867.

VICTORIA.

189

GRANTS OF LAND TO VOLUNTEERS.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE G. W. COLE, 26TH MARCH, 1867,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 2ND APRIL, 1867.

REGULATIONS FOR THE ISSUE OF CERTIFICATES.

(Pursuant to Act of Parliament 28th Victoria, No. 237.)

All officers, non-commissioned officers, and members of the Volunteer Force of Victoria, not being on the paid staff, or serving for pay in the said force, shall be entitled to a certificate from the Board of Land and Works subject to the following regulations and conditions:—

1. Claims of Volunteers for Land Certificates will be considered by a Board composed of the following members:—

An officer of the Law Department.

An officer of the Local Military Department.

An officer of the Department of Public Lands.

Warrants will be issued by the Board to those volunteers who may be deemed to be entitled to them, and the holder of a warrant will be entitled to receive a certificate from the Board of Land and Works under 28 Vict., No. 237, s. 5.

2. Every warrant issued shall set forth in detail the services for which it is granted, and shall be signed by the Chairman of the Board, and countersigned as registered in the Local Military Department.

3. No warrant shall be issued unless the members of the Board are unanimous, or in the event of their not agreeing, unless a majority of the members of the Board shall have referred the case to the officer commanding the Volunteer Force, and shall have obtained his sanction for the issue of the warrant.

4. The declaration provided by the regulations under the Volunteer Statute, clauses 96 and 97, shall be taken by the members of the Board and the witnesses respectively.

5. Services performed prior to the establishment of an effective system, under the regulations published on the 25th day of September, 1863, shall not count unless they be equivalent to the minimum amount of duty in time and drill now required before service as an effective commences to reckon.

From and after the 25th September, 1863, the effective qualification therein proclaimed for men joining the new enrolment shall be deemed to qualify up to the 10th October, 1863, the date on which the present effective system came into force.

Where the above requirements cannot be proved, from records of corps, or from the personal knowledge of commanding officers, to have been complied with, the merits of the case will be considered specially, and no warrant in such case shall issue unless with the approval of the officer commanding the force.

6. The official records of service under the regulations shall be sufficient evidence to the Board of effective service performed after the 10th of October, 1863.

Treasury, Melbourne,
7th March, 1867.

By Authority: JOHN FERRES, Government Printer, Melbourne.

140

1867.

VICTORIA.

IMMIGRATION.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL. THE HONORABLE R. S. ANDERSON.—26TH MARCH, 1867.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE G. W. COLE, 26TH MARCH, 1867, AND ORDERED BY THE COUNCIL TO BE PRINTED 15TH AUGUST, 1867.

A RETURN showing the amount expended by the Government towards the introduction into this colony of 3610 Passage Warrant Holders who arrived during last year, and the amount expended in the introduction of the 584 Immigrants who came out entirely at the expense of the Government during the same period.

RETURN showing the amount expended towards the introduction of Passage Warrant Holders and selected Immigrants during the year 1866.

Table with 3 columns: Particulars, Amount (£ s. d.), and Total (£ s. d.). Rows include expenses for 1426 souls, 2184 souls, 584 souls, gratuities, and departmental expenses, totaling £58,673 15 11.

Immigration Office, Melbourne, 26th March, 1867.

LESLY A. MOODY, Immigration Agent.

192

1867.

VICTORIA.

CONVICTED PRISONERS

DISCHARGED BEFORE COMPLETION OF SENTENCES.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE H. M. MURPHY.—1ST MAY, 1867.

LAI D UPON THE COUNCIL TABLE BY THE HONORABLE G. W. COLE, 9TH JULY, 1867, AND ORDERED BY THE COUNCIL TO BE PRINTED, 15TH AUGUST, 1867.

RETURN of the Number of Convicted Prisoners who have been discharged before the completion of their sentences, and who have been again in custody before the previous sentence had expired.

Department.	Sex.		Remarks.
	Male.	Female.	
Sheriff	180	39	From September, 1860, to 1st May, 1867.
Police	227	36	
Penal	689	42	From December, 1850, to 30th April, 1867. No females were in custody in Penal Establishments before the 27th December 1857.
Total	1,096	117	
		1,096	
Grand Total ...		1,213	Prisoners.

The Sheriff reports that the Return cannot be looked upon as a reliable document ; for many prisoners are doubtless discharged from the gaols who re-appear in some other district, and get committed to the gaol of that district before the expiration of their former sentences, although that fact may not be known or recorded against them in their new place of confinement. The Sheriff further states that he has no data on which to form a correct idea of how many may have escaped observation in this manner, but thinks a fourth may be safely added to the number shown in his Return.

The Chief Commissioner of Police reports that the nature of the Return renders it a very difficult one for the police to compile, and does not look upon that furnished as being complete.

The Inspector-General of Penal Establishments assumes that, although the words "in custody" are used in the order, the Return is intended to embrace only prisoners who have been re-convicted ; such only are therefore included in his Return ; ticket-of-leave holders who have been returned for breaches of discipline being omitted.

J. MOORE.

Chief Secretary's Office,
Melbourne, 9th July, 1867.

194

1867.

VICTORIA.

IMMIGRATION EXPENDITURE, ETC.

PART RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE R. S. ANDERSON.—6TH JUNE, 1867.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE G. W. COLE 23RD JULY, 1867, AND
ORDERED BY THE COUNCIL TO BE PRINTED 15TH AUGUST, 1867.

A RETURN, showing the amount received from the sale, leasing, and occupation of Crown Lands during the last five years, distinguishing each year; the net proceeds each year; the amounts expended for Immigration purposes during each of those years, distinguishing the amount expended for free and assisted Immigration, and giving credit for all deposits received from nominators; and that this House desires to be furnished with the reasons why the order of last session to the foregoing effect has not been complied with.

[MEMORANDUM.]

Department of Trade and Customs,
Melbourne, 22nd July, 1867.

Information has been received from the Treasury, that the finance account for 1866 will not be closed until the end of 1867. A statement is, however, in preparation, containing the particulars so far as they can at present be ascertained, which will be laid before the Legislative Council as soon as received.

J. GUTHRIE,
Inspector-General of Customs.

196

STATEMENT of the Amounts realised from the Sale, Leasing, and Occupation of Crown Lands, from 1862 to 1865, inclusive ; showing also the Expenditure from Sums voted for the Lands and Survey Department for the same period.

Year.	Net Proceeds of Sales and Rents.			Pastoral Occupation, &c., &c., &c.,			New Runs, Leases, Licences, &c.			Rents of Leases under Amending Act.			Total.			Expenditure out of the Sums voted for the Lands and Survey Department.			Receipts less Expenditure.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
1862 ...	996,712	14	8	234,030	18	10	24,801	9	0	...	...	1,255,545	2	6	103,133	15	3	1,152,411	7	3	
1863 ...	507,655	12	4	203,642	6	0	13,360	7	2	...	...	724,658	5	6	85,405	18	9	639,252	6	9	
1864 ...	622,046	16	9	202,166	9	7	17,068	11	9	...	...	841,281	18	1	86,470	8	2	754,811	9	11	
1865 ...	417,770	15	5	199,184	10	8	21,332	11	6	116,231	6	6	754,519	4	1	105,458	19	5	649,060	4	8
Totals ...	2,544,185	19	2	839,024	5	1	76,562	19	5	116,231	6	6	3,576,004	10	2	380,469	1	7	3,195,535	8	7

In addition to the direct expenditure in connection with the survey and sale of land, a considerable portion of the general expenditure is also in some measure connected with the survey and sale of land, but it is scarcely possible to define what the amount may be.

Treasury, Melbourne, 19th July, 1867.

197

RETURN, showing the Amount expended for Immigration purposes during the Years 1862, 1863, 1864, 1865, and 1866, distinguishing the Amounts expended for Free and Assisted Immigration, and giving credit for all Deposits received from Nominators.

Years.	Amount expended for Free Immigration.		Amount expended for Assisted Immigration.		Expenses connected with Immigration.		Amount of Deposits received.		Balance.	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
1862	17,564	5 0	43,365	0 0	2,061	19 9	29,383	0 0	33,608	4 9
1863	49,568	4 0	76,002	1 8	3,683	0 3	31,171	0 0	98,082	5 11
1864	12,667	5 9	66,076	4 5	6,156	13 7	26,155	0 0	58,745	3 9
1865	9,619	3 6	58,611	1 4	6,263	10 2	17,102	0 0	57,391	15 0
1866	8,869	5 9	45,385	16 6	5,339	2 1	10,492	10 0	49,101	14 4
Totals	98,288	4 0	289,440	3 11	23,504	5 10	114,303	10 0	296,929	3 9

Immigration Office,
Melbourne, 13th June, 1867.

LESLY A. MOODY,
Immigration Agent.

RETURN, showing the Number of Adults sent for under the Immigration Regulations, and the Liabilities incurred for the Years 1862, 1863, 1864, 1865, 1866.

Years.	Number of Passage Warrant Holders sent for.		Value of Warrants estimated according to Contract Rates of Passages for each Year.	
			£	s. d.
1862	5,394	$\frac{1}{2}$	75,380	15 4
1863	5,650	$\frac{1}{2}$	78,071	1 6
1864	5,686	$\frac{1}{2}$	84,331	9 11
1865	4,395		59,374	16 1
1866	3,765	$\frac{1}{2}$	51,367	13 11
Liabilities			348,525	16 9
Expenditure			289,440	3 11
Total outstanding liabilities ...			59,085	12 10

Immigration Office,
Melbourne, 13th June, 1867.

LESLY A. MOODY,
Immigration Agent

Department of Trade and Customs,
Melbourne, 22nd July, 1867.

[MEMORANDUM.]

The accompanying extract from a letter from the Under Treasurer, dated 15th June, furnishes a reply to the latter portion of the Order of the Legislative Council, viz.:-

"I am to explain that, when a return called for by Parliament cannot be rendered in the session during which it was ordered, it is usual, according to Parliamentary practice, for it to be again moved for before it is made.

(Signed)

"E. S. SYMONDS,
"Under Treasurer."

J. GUTHRIE,
Inspector-General of Customs.

198

200

1867.

261

VICTORIA.

MINUTES

ON THE SUBJECT OF THE

REJECTION OF THE APPROPRIATION BILL.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE G. W. COLE, AND ORDERED BY
THE COUNCIL TO BE PRINTED, 29TH AUGUST, 1867.

By Authority :

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

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202

MINUTES ON THE SUBJECT OF THE REJECTION OF THE APPROPRIATION BILL.

No. 1.

Minute for His Excellency the Governor.

His Excellency's advisers have lost no time in giving their earnest and anxious consideration to the embarrassing state of public affairs, consequent upon the rejection by the Legislative Council of the Bill for appropriating the supplies for the year. They feel it due to themselves, and to the large majority which has supported them in the Legislative Assembly, to make His Excellency acquainted with the history of the embarrassments and the public loss that have been sustained by reason of the attempt of the Legislative Council to obtain, by indirect means, co-ordinate power with the Legislative Assembly in dealing with the finances of the country.

The rejection by the Legislative Council, in 1865, of the Supply and Appropriation Bill for that year was followed by the dissolution of the Legislative Assembly. The issue was then distinctly, and without reservation, put to the country, whether the control of the finances should or should not rest absolutely with the Assembly. The result of that appeal was, that out of a House of seventy-eight members some fifty-eight were returned pledged to maintain inviolate the right of the Assembly to the exclusive control of all matters of aid and supply.

On the re-assembling of Parliament the Supply Bill for the year was again passed by the Legislative Assembly, and was again rejected by the Legislative Council, notwithstanding that the constituencies had so emphatically declared in favor of the financial policy of the Government. It is due to the Legislative Assembly to inform His Excellency that when the Supply and Appropriation Bill was thrown out, the reasons adduced by the Council were, that Supply and Appropriation could not properly be included in one Bill, and that the Bill so thrown out was regarded as a "tack." In these circumstances, although the majority of the Legislative Assembly believed that the Constitution Act and the practice of the House of Commons justified them, if they thought it proper to do so, in including Ways and Means and their Appropriation in one measure, they waived their privileges, and complied with the wishes of the majority of the Legislative Council, by passing the Supply as a distinct measure; but even then, and notwithstanding an appeal to the country, it was rejected by the Council. The measure was ultimately passed after a conference between the two Houses.

What occurred on that occasion clearly shows that the constitutional means of testing the opinion of the country has hitherto had no effect in healing the differences between the two Houses in regard to the control and management of the finances.

On the 9th day of April, in the present year, the Legislative Council invited the Legislative Assembly to a conference on the subject in dispute. The invitation was accepted. The result was the following resolution, arrived at unanimously by the Committees of both Houses:—

"That inasmuch as doubts have arisen respecting the form or contents of and practice relating to Bills required by the 56th section of the Constitution Act to originate in the Legislative Assembly, this House is of opinion that the practice of the Lords and Commons respectively be observed as to such Bills, and as to all subjects of Aid and Supply, and that each House 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."

It should here be stated that the leading members of the Legislative Council, and who have taken the active part in rejecting the Supplies to Her Majesty, were members of that Conference.

It was hoped and believed by the members of the Government, and by the majority of the Assembly, that the decision arrived at would finally and satisfactorily settle the disputes between the two branches of the Legislature in reference to Money Bills, by securing a reference to the now well-understood practice of the House of Lords and the House of Commons in dealing with such matters. Unfortunately, however, the majority of the Legislative Council has, on the first opportunity presented to it, entirely departed from the uniform practice of the House of Lords.

It has been assigned as a reason for the extraordinary course pursued by the Legislative Council in rejecting the Bill, that it contained a grant to Lady Darling. In May, 1866, a Select Committee of the Assembly recommended that £20,000 should be appropriated to Lady Darling for her own use. His Excellency Sir Charles Darling, on becoming aware of this, acquainted the Assembly, by message, that Lady Darling would not be at liberty to accept the grant until Her Majesty's pleasure should be ascertained.

Her Majesty's pleasure has been communicated to the Legislative Assembly through the despatches of the Right Honorable the Secretary of State for the Colonies. During the thirteen or fourteen months that have passed since an Address to Her Majesty was adopted by the Assembly, praying Her Majesty to allow Lady Darling to receive the proposed grant. No action whatever was taken by the Legislative Council to intimate its disapproval of it; but on the 6th of the present month, after the amount had been included in the Estimates, that House appointed a Committee to search for precedents on the subject. The report of that Committee is herewith submitted for His Excellency's information.

On reference to it, it will be observed that of the twenty-two precedents quoted, *three* have reference to dowers to Royal brides ; *one* to the payment of the debts of a minister of the Crown ; *two* to the endowment of public institutions ; *one* to a grant to a post office secretary ; no less than *twelve* to pensions ; and one to the payment of a per centage on the Postal Revenue. Upon the last case, which is relied upon by the Legislative Council, it is to be remembered that the amount proposed to be voted involved payments extending over a number of years, that the case had been investigated by the House of Lords, and that the Prince Regent had declined to ask for the vote. It must also be borne in mind that Mr. Perceval asserted the rights of the House of Commons, and made the procedure in this case a concession to the Lords ; indeed the case altogether, in the opinion of His Excellency's advisers, stands out as a marked and manifest exception to the ordinary usage of the House of Commons.

His Excellency's advisers are profoundly impressed with the position into which the country has been precipitated by the refusal of the majority of the Legislative Council to assent to the Appropriation Bill ; but, in the absence of any guarantee that the decision of the people will command the respect of the Legislative Council, and that public opinion, ascertained by a general election, will protect the rights of the Legislative Assembly in future from further aggressions, His Excellency's advisers are unable to recommend a dissolution, except as a last resort. Nevertheless, if circumstances should appear to render that course inevitable, the members of the Government reserve to themselves liberty to recommend its adoption ; and in that event they will use all the means in their power of making the issue to be determined clear ; and the decision of the constituencies effectual and conclusive ; and in the event of a sufficient assurance being obtained that the rights of the Legislative Assembly in regard to public finances will be respected in future, the Government would be prepared to invite the Legislative Assembly to pass a Consolidated Revenue Bill, pending a dissolution. At present, they can only submit the advice that His Excellency should, on an early day, prorogue Parliament for a short period, in order that the Legislative Council may have another opportunity, in a future session, of considering the Appropriation Bill.

In the interval, the demands of the public creditor can only be satisfied and the necessary provision for the protection of life and property be made by means of the Act 28 Vic. No. 241, for the recovery of claims against the Crown.

(Signed) JAMES McCULLOCH.

Chief Secretary's Office, 22nd August, 1867.

No. 2.

Memorandum for the Honorable the Chief Secretary.

The Governor has given his best and most attentive consideration to the Memorandum submitted to him this day by his responsible advisers, in which they have explained the course adopted by them, and by the majority in the Legislative Assembly, which supports them with reference to certain important questions, and the position now occupied by the Government, in consequence of the rejection by the Legislative Council of the Bill for appropriating the supplies for the year.

The Governor does not regard himself as called upon, nor does he believe that his advisers desire him to discuss, or to express any opinion on, the circumstances which have led to the present critical conjuncture of affairs. These circumstances are patent to all ; and the Governor will best perform his duty by confining his observations to the concluding paragraphs of the Memorandum, in which his advisers state the course which in their judgment the Government should pursue in providing or endeavoring to provide for the requirements of the public service.

As regards the last paragraph of the Memorandum, in which reference is made to the Crown Remedies Act, the Governor has already, in his Memorandum* of yesterday's date, explained the views which he entertains on this subject, and it is unnecessary for him to recur to it.

With regard to the proposal that Parliament should be prorogued on an early day, in order that the Legislative Council may have another opportunity, in a future session, of considering the Appropriation Bill, the Governor would observe, without reference however to the policy of the advice thus tendered, that its adoption now, would, in his judgment, be premature.

And having anxiously considered the position of the Government, and his own, he frankly informs his advisers that in his opinion it is desirable that he should at once place himself constitutionally in communication with those who have rejected the Appropriation Bill, and who have thus declined to afford to the Government the funds requisite to meet the services of the year.

The Governor communicates to his advisers this opinion without reserve, in the confident belief, justified by his experience during his official connection with them, that they will not attribute to him any other motive than a sincere and earnest desire to perform in the light of the Constitution, and for the benefit of the public at large, his duties as the Representative of the Crown.

(Signed) J. H. T. MANNERS SUTTON.

Government Offices,
Melbourne, 22nd August, 1867.

* Paper marked A.

No. 3.

Memorandum for His Excellency the Governor.

The Chief Secretary has submitted to his colleagues His Excellency's Memorandum of this date.

The cabinet are of opinion that, inasmuch as His Excellency has not seen fit to accept the advice which his responsible advisers have felt it their duty to submit to him, and has intimated his desire to place himself constitutionally in communication with those who have rejected the Appropriation Bill, they have no alternative but to tender their resignations to His Excellency, and the Chief Secretary begs leave, on behalf of himself and his colleagues, to do so accordingly.

22nd August, 1867.

No. 4.

Memorandum for the Honorable the Chief Secretary.

The Governor has received the Memorandum in which the Honorable the Chief Secretary, on behalf of his colleagues, as well as for himself, has tendered their resignation to him.

And he desires to express his recognition of the ready response which his advisers have given to the suggestion conveyed to them in his former Memorandum of this day's date, and of the assistance which they have thus afforded to him in the performance of what he believes to be his duty under existing complications and embarrassments.

He is not at present in a position to accept their offered resignation, but it is his intention forthwith to place himself in communication with Mr. Fellows. Meanwhile he requests his advisers to retain their present offices.

(Signed) J. H. T. MANNERS SUTTON.

Government Offices,
22nd August, 1867, 4.30 p.m.

No. 5.

Memorandum for the Honorable the Chief Secretary.

The Governor informs the Honorable the Chief Secretary and his colleagues that, in accordance with the intention expressed in his Memorandum of the 22nd instant, he placed himself in communication with the Honorable Mr. Fellows, and he now lays before them copies of the correspondence which has passed between him and Mr. Fellows.

The Governor to Mr. Fellows, Aug. 1867.
Mr. Fellows to the Governor, 24 Aug., 1867.
The Governor to Mr. Fellows, 24 Aug., 1867.

The Chief Secretary and his colleagues will observe that the correspondence is concluded, and the Governor invites them to regard themselves as occupying the same position, as his responsible advisers, as that which they held before they tendered their resignations.

(Signed) J. H. T. MANNERS SUTTON.

St. Kilda, 24th August, 1867.

Memorandum for the Honorable Mr. Fellows.

The Governor informs Mr. Fellows that his responsible advisers have tendered to him their resignations. The causes which have led to this result are explained in the correspondence which immediately preceded it between the Governor and his advisers. This correspondence is, of course, at the service of Mr. Fellows for perusal. The Governor is aware that, in intimating to his advisers his desire to place himself in constitutional communication with their political opponents, he adopted an unusual course; but the circumstances under which this intimation was given were also unusual. And it is scarcely necessary for the Governor to state that he adopted this course, not because he desired or desires to give to one political party a victory over the other, or to imply official or personal favor or disfavor for either, but because his advisers were admittedly and confessedly disabled by the rejection of the Appropriation Bill from conducting the administration of public affairs as regards the satisfaction of undisputed pecuniary claims upon the Government, in the usual and strictly constitutional manner, and the Governor therefore considered it to be his duty to invite the advice of those by whom the above-mentioned Bill had been rejected.

(Signed) J. H. T. MANNERS SUTTON.

23rd August, 1867.

Mr. Fellows's Reply.

Mr. Fellows, in reply to the Governor's Memorandum inviting the advice of those by whom the Appropriation Bill has been rejected, has the honor to state that, after carefully perusing that Memorandum, he finds that the Governor desires to obtain the expression of his opinion on an isolated question of law, arising out of the present complication of public affairs, and does not consult him as a constitutional adviser. Mr. Fellows, with every desire to assist the Governor under the "unusual" circumstances to which His Excellency has referred, feels that it would be improper for him on the present occasion to assume the position of the Governor's legal

adviser. Mr. Fellows wishes to observe that he does not find any attempt has been suggested to bring the two Houses into harmony, and does not admit that as yet any constitutional opportunity of effecting that object has been afforded to those gentlemen, in either House, who voted against the Appropriation Bill in its present shape.

34, Temple Court, 24th August, 1867.

Memorandum for the Honorable Mr. Fellows.

The Governor has received Mr. Fellows's Memorandum of this date. It is right that he should state that he cannot concur in the view taken by Mr. Fellows, of the circumstances under which, and the question upon which his (Mr. Fellows's) advice was sought by the Governor; but the Governor is aware that his request (although strictly constitutional) for Mr. Fellows's advice did not in itself place Mr. Fellows in the position of a constitutional adviser, if these words are held to signify a "Minister," and he fully recognizes Mr. Fellows's right to decline the responsibility of offering advice unless invested with the authority of a minister.

(Signed) J. H. T. MANNERS SUTTON.

St. Kilda, 24th August, 1867.

The Honorable T. H. Fellows.

No. 6.

Minute for His Excellency the Governor.

The Chief Secretary and his colleagues have the honor to acknowledge the receipt of His Excellency's Memorandum, dated the 24th instant, in which His Excellency informs them that he has communicated with Mr. Fellows, and that the correspondence, of which copies are appended, has closed.

His Excellency invites the members of the Government to resume their position as His Excellency's advisers.

As His Excellency has already placed himself in correspondence with a member of the Legislative Council, with which body rests the responsibility of refusing the Supplies to the Crown, the Chief Secretary and his colleagues, before responding to His Excellency's invitation, desire to suggest that, if a settlement of the differences between the Houses can be promoted by further communication with some other members of the majority who rejected the Bill, the opportunity should not be lost.

JAMES McCULLOCH.

Chief Secretary's Office, 26th August, 1867.

No. 7.

Memorandum for the Honorable the Chief Secretary.

The Governor has received the Memorandum of this day's date, signed by the Chief Secretary on behalf of himself and his colleagues.

The Governor does not decline to act upon their suggestion, that he should enter into further communication with the majority, who, in the Legislative Council, rejected the Appropriation Bill, and he will request Mr. Fraser to aid him by his advice.

(Signed) J. H. T. MANNERS SUTTON.

Charnwood House, 26th August, 1867.

No. 8.

Memorandum for the Honorable Mr. Fraser.

The correspondence which has passed, firstly, between the Governor and the Chief Secretary (and his colleagues), and, secondly, between the Governor and Mr. Fellows, will, with the information possessed by Mr. Fraser, as a member of the Legislative Council, explain the circumstances under which, and the purposes for which the Governor now requests Mr. Fraser's advice and assistance.

Mr. Fraser will observe that, when the Governor consulted Mr. Fellows, he (Mr. Fellows) declined, as he was perfectly entitled to decline, to offer advice otherwise than as a "constitutional adviser," by which term the Governor understood, and he believes rightly, Mr. Fellows to mean a "minister."

On the other hand, the Governor was not, and is not, prepared to commission any gentleman to form a new Government until he shall preliminarily have been satisfied, or at least have had good reason to believe that that step would remove or mitigate existing embarrassments, as well as afford a prospect of restoring harmonious action in the Legislature.

And it is needless to observe that the simple exchange of a Government which has a majority in the Legislative Assembly, but is in a minority in the Legislative Council, for one strong in the Legislative Council, but numerically weaker in the Legislative Assembly, could not in itself be regarded as likely to restore to the Government the power now so urgently required, of meeting in a strictly constitutional and regular manner the current public expenditure.

The Governor has thought it desirable to enter into this preliminary explanation in order that there may be no future misconception with regard to the objects for which he desires to place himself in communication with Mr. Fraser, or with respect to the position in which Mr. Fraser will be placed by acceding to the Governor's request for his advice.

(Signed) J. H. T. MANNERS SUTTON.

27th August, 1867.

No. 9.

Mr. Fraser has the honor to inform His Excellency the Governor that he has placed himself in communication with leading members of both branches of the Legislature, with a view to a settlement of existing embarrassments, and he regrets to state that his efforts have been unsuccessful.

Aldowrie, St. Kilda, 28th August, 1867.

No. 10.

Memorandum for the Honorable the Chief Secretary.

The Governor informs the Chief Secretary and his colleagues that, in accordance with the intention communicated to them in his Memorandum of the 26th instant, he placed himself in communication with the Honorable Mr. Fraser, and he now lays before them a copy of the Memorandum in which he requested, on the 27th instant, Mr. Fraser's advice and assistance, and of the Memorandum received by the Governor yesterday evening, in which Mr. Fraser announced that his endeavors to promote a settlement of existing embarrassments had been unsuccessful.

The Governor thinks it right to state frankly to the Chief Secretary, and his colleagues, that the principal object which he had in view in placing himself in communication with gentlemen who had voted in the Legislative Council for the rejection of the Appropriation Bill was to discover from them whether the formation of a new administration would tend to remove or mitigate existing embarrassments, and to promote harmonious action between the two deliberative chambers of the Legislature, and if he had been able to arrive at the conclusion, or even to entertain the expectation that these objects would have been attained or promoted by a change of Government, he would have regarded it as his duty to have at once definitely accepted the tendered resignations of the Chief Secretary and his colleagues, and to have called others to the council board.

But the Governor has not discovered any grounds for arriving at such a conclusion, or for entertaining any such expectation; and, as he stated in his Memorandum to Mr. Fraser, he never contemplated the simple exchange by him of a Government supported by a majority in the Legislative Assembly, but by a minority in the Legislative Council, for a Government with a majority in the Legislative Council, but numerically weak in the Legislative Assembly, as affording in itself, and by itself, any prospect of mitigating either existing or impending embarrassments and complications.

The Governor, therefore, now repeats his invitation to the Chief Secretary and his colleagues to regard themselves as occupying the same position, as his responsible advisers, as that which they held before they tendered to him their resignations.

(Signed) J. H. T. MANNERS SUTTON.

Government Offices,
Melbourne, 29th August, 1867.

No. 11.

Minute for His Excellency the Governor.

Mr. McCulloch has the honor to acknowledge the receipt of the Governor's minute of to-day, in which His Excellency informs Mr. McCulloch that, in accordance with his memorandum dated the 26th instant, he asked for the advice and assistance of the Honorable Mr. Fraser, and that Mr. Fraser is unable to recommend any course which, in His Excellency's opinion, would tend to remove or mitigate existing embarrassments, and to promote harmonious action between the two deliberative Chambers of the Legislature.

Under these circumstances, His Excellency is pleased again to invite Mr. McCulloch and his colleagues to resume the position which they held as his responsible advisers.

Mr. McCulloch and his colleagues feel that, after His Excellency's communication, no course, consistent with their duty as public men, remains open to them but to accept His Excellency's invitation, and to re-submit the advice which they offered to him in Mr. McCulloch's minute of the 22nd instant, that the Legislature be prorogued, in order that an Appropriation Bill for the year may be introduced.

It is proper to inform His Excellency that, in the opinion of the Government the Appropriation Bill, as rejected by the Council, should be re-submitted, and that, pending the prorogation, Parliament should be asked to provide for the payment of the current expenses of the Government.

JAMES McCULLOCH.

29th August, 1867.

No. 12.

Memorandum for the Honorable the Chief Secretary.

The Governor has received the Memorandum of this day's date, signed by Mr. McCulloch, on behalf of himself and his colleagues, and he accepts the advice tendered to him in that Memorandum by his responsible advisers.

(Signed) J. H. T. MANNERS SUTTON.

Government Offices, 29th August, 1867.

A.

Memorandum for the Honorable the Chief Secretary.

The Governor desires to call the attention of his responsible advisers to a warrant which has been submitted to him for his signature.

£9047 5s. 4d.

This warrant is for the sum of Nine thousand and forty-seven pounds five shillings and fourpence; and it is required for the purpose of satisfying a judgment, which has been obtained in the Supreme Court, by Abraham Linacre, against the Queen.

Now the funds which Parliament has placed at the disposal of the Government for the payment of claims of this character are exhausted; but there can be no question that, under the provisions of the Crown "Remedies Act," the public moneys in the Treasury are legally applicable to the satisfaction of the above-mentioned judgment, and the amount is immaterial.

Moreover, the Governor is advised, and believes, that he is not only legally empowered, but morally bound, to issue this warrant, inasmuch as the claim of Mr. Linacre is not doubtful either in law or in equity; and as no answer or objection to the claim could be alleged on the part of the Crown, the law officers of the Crown have very properly abstained from endeavoring to oppose any obstacle to Mr. Linacre's obtaining a judgment.

But it clearly was not the intention of the Legislature, in passing the Crown "Remedies Act," to substitute judgments of the Supreme Court for parliamentary grants for the satisfaction of undisputed claims on the Government; and it is equally clear that the adoption of any such practice would withdraw the public funds from the control of Parliament, and place them, practically, at the disposal of the Governor on the advice of Ministers, named by himself, and no longer restrained by those constitutional checks, which, under parliamentary or responsible government, render parliamentary supplies a necessary condition for the expenditure of public money, and, therefore, for the retention of office by any administration.

The Governor would further observe that, while the question thus raised involves the constitutional authority of Parliament in the aggregate, the Legislative Assembly is the most deeply interested in the maintenance of the existing parliamentary control over the expenditure of the public funds by the Government.

(Signed) J. H. T. MANNERS SUTTON.

21st August, 1867.

B.

Memorandum for His Excellency the Governor.

The responsible advisers of the Governor have given careful consideration to the remarks contained in His Excellency's Memorandum, dated August 21, addressed to the Chief Secretary.

His Excellency's advisers concur with the observations in the memorandum respecting the important, and probably unforeseen consequences, which have followed the enactment of a law in this colony and in England, by which a subject is enabled to enforce claims against the Crown by legal proceedings. These consequences were "fully considered in the English case of *Churchward v. the Queen*, which was argued on a demurrer in the year 1865." The Chief Justice observed in that case, "I am far from saying that, if by express terms the Admiralty had engaged, *whether Parliament had provided the funds or not*, to employ Mr. Churchward to perform these services, a petition would not lie if that contract were broken."

Another judge said on the same occasion—"The inconvenience, such as it was, attached to matters of far more importance than post office contracts. Treaties with Foreign Powers, involving the honor and liability of the Crown, are often dependent upon the acceptance by Parliament of the obligation contracted, and the provision of the necessary funds. A few years ago the fulfilment by the Crown of a treaty with a co-belligerent, containing a pecuniary guarantee by the Crown, was imperilled by some opposition in the House of Commons, and only saved by a majority of three."

These observations show the great power that was given by Parliament to the Crown and its advisers by means of this law; and also that a similar power existed in England prior to and independently of the recent legislation. His Excellency's advisers believe that, so long as Ministers of the Crown are practically responsible to that branch of the Legislature, which is invested by law with the sole control of the public finances, the large powers created by this Act of Parliament are not likely to be abused; and that the exercise of those powers in trust for, and under the vigilant supervision of, the Legislative Assembly may be found to be essential to the protection of the rights of that Chamber, as well as conducive to the highest interests of the people who are represented by it.

22nd August, 1867.

1867.

VICTORIA.

CONFERENCE COMMITTEES' PROCEEDINGS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE H. M. MURPHY.—6TH SEPTEMBER, 1867.

CUSTOMS DUTIES BILL, GOLD EXPORT DUTY BILL (1866).
BILLS INCIDENTALLY INVOLVING IMPOSTS, ETC. (1867).
CONSOLIDATED REVENUE BILL (3) (1867).

RETURN OF THE PROCEEDINGS OF THE CONFERENCE COMMITTEES OF
1866 AND 1867, TOGETHER WITH THE NOTES TAKEN BY THE
SHORTHAND WRITER.

LAI'D ON THE COUNCIL TABLE, AND ORDERED BY THE COUNCIL TO BE PRINTED,
10TH SEPTEMBER, 1867.

By Authority:

JOHN FERRER, GOVERNMENT PRINTER, MELBOURNE.

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[600 copies.]

209

CUSTOMS IMPORT DUTIES, GOLD EXPORT DUTY BILL.

EXTRACTED FROM THE MINUTES.

THURSDAY, 12TH APRIL, 1866.

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

Debate ensued.

Question—put and passed.

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

Question—put and passed.

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

Question—put and passed.

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

MR. PRESIDENT—

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

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

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

FRANS. MURPHY,
Speaker.

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

Question—put and passed.

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

TUESDAY, 17TH APRIL, 1866.

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

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

REPORT.

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

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

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

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

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

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

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

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

Question—put and passed.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 13TH APRIL, 1866.

Present:

Legislative Council.
The Hon. A. Fraser
The Hon. J. F. Strachan
The Hon. J. P. Bear
The Hon. C. Sladen
The Hon. W. Campbell
The Hon. W. Highett
The Hon. W. H. F. Mitchell.

Legislative Assembly.
The Hon. J. McCulloch
The Hon. G. Verdon
Mr. Macgregor
Mr. Vale
Mr. G. P. Smith
Mr. Byrne
Mr. Bindon.

The Committees met at one o'clock.

The Committees conferred at some length on the Preamble of the Bill.

After some time the shorthand writer was called in.

At a quarter past four o'clock the Conference was adjourned for an hour.

At a quarter past five o'clock the Conference was resumed.

After lengthened discussion, it was respectively agreed by the Committees to report the result of the Conference to the two Houses.

Committees adjourned until 2 p.m. on the 17th instant.

TUESDAY, 17TH APRIL, 1866.

Present:

Legislative Council.
The Hon. A. Fraser
The Hon. C. Sladen
The Hon. W. H. F. Mitchell
The Hon. W. Highett
The Hon. J. P. Bear.

Legislative Assembly.
The Hon. J. McCulloch
The Hon. G. Verdon
Mr. Bindon
Mr. Vale
Mr. G. P. Smith
Mr. Byrne.

The Draft Reports, as agreed upon, were severally read to the Committees. The Report of the Committee of the Legislative Council being read as follows:—

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

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

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

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

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

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

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

Ordered—That the Report of the Committee of the Legislative Council be laid before the Council this day.

[For Report see Minutes (No. 3), Legislative Council Proceedings, 17th April, 1866, Second Session.]

Shorthand Writer's Notes.

AT a Conference between the Committees respectively of the Legislative Council and Legislative Assembly, on the differences which have arisen between the two Houses.

FRIDAY, 13TH APRIL, 1866.

Present :

The Hon. C. Sladen	Mr. Vale
The Hon. W. Campbell	Mr. Macgregor
The Hon. W. H. F. Mitchell	Mr. Bindon
The Hon. W. Highett	Mr. G. P. Smith
The Hon. J. F. Strachan	Mr. Verdon
The Hon. J. P. Bear	Mr. Byrne
The Hon. A. Fraser.	Mr. McCulloch.

[After the Conference had been in deliberation for some time, the Parliamentary Shorthand Writer was called in, when the following notes were taken]:—

Mr. McCulloch.—I stated, and it would be as well that it should be taken down, that, after we had fully discussed the questions arising out of the preamble, and in connection with the preamble, and replied to the questions put by Mr. Sladen, the Committee of the Legislative Assembly would not be prepared to give up or abandon the preamble, but would be prepared to go over this first portion of the preamble and discuss it; and that, if gentlemen opposite could show that there was anything offensive or wrong in it, I was quite sure that the members representing the Assembly would be open to be convinced of that, and would meet the honorable members representing the Legislative Council in dealing with it.

Mr. Verdon.—It was also pointed out by myself, that any objection which could be rightfully urged against the preamble, must necessarily be urged against the substantial things done, of which the preamble is merely a recital, namely, those various proceedings which are required by our Standing Orders; and I understood, in reply to that, the Honorable Mr. Sladen to say, that at another time he would not have objected to the preamble—

The Hon. Mr. Sladen.—Might not.

Mr. Verdon.—Might not have objected to the preamble, but he did so now, and would not admit that the Standing Orders of our Legislative Assembly were not *ultra vires*, if they were in his Bill thrust before the Legislative Council, in a Bill framed by the Legislative Assembly. I believe I am now stating what occurred.

The Hon. Mr. Sladen.—We do not impugn the Standing Orders relating to the mode of proceeding in the Assembly; but when that mode of proceeding is embodied in a Bill in the words of those Standing Orders, and, in fact, affect the rights of the Legislative Council, the Legislative Council ought to have a voice in framing those Standing Orders.

Mr. Verdon.—And further, Mr. Sladen went on to submit that those Standing Orders must be objected to by the Legislative Council, on the ground that the Legislative Council claimed to be in relation to the House of Commons, a portion of that body just as much as the Legislative Assembly is.

The Hon. Mr. Sladen.—With the exception of the 56th clause.

Mr. McCulloch.—We had better have the Honorable Mr. Sladen's statement.

Mr. Vale.—We ought to have recorded the reasons why the old form of preamble has been departed from by our House. We want to have those reasons stated.

Mr. Verdon.—The reasons were stated to be these: That in former years the constitutional practice of the House of Commons had not been strictly observed in some of these minor particulars; but that, inasmuch as lately we have had our attention specially directed to this, we thought fit to make that a part of the preamble of our Bills of Supply; and we claim the right of putting anything we please into the preamble of our Bills of Supply, provided that there be nothing in them offensive or untrue; and we maintain there is nothing offensive here; or if there be, we invite honorable members of the Council to point it out; and we maintain there can be nothing untrue, as they are merely the result of certain facts which can be verified by a reference to our proceedings—and that nothing more is recited except certain proceedings—which have been always observed ever since the Constitution has been in force, by honorable gentlemen now members of the Legislative Council, who were formerly members of the Legislative Assembly, and which has always been in the habit of being done, and which is now objected to for the first time.

The Hon. Mr. Bear.—It is the first time it has been placed in a Bill.

Mr. Verdon.—We say that it is for us to judge what the form of a preamble, in a Bill we have alone the right to initiate, shall be. We say we have a right to do that, if we put nothing in the preamble that is offensive or untrue; and we respectfully ask honorable gentlemen opposite to point out in what respect this preamble violates either of those conditions.

The Hon. Mr. Campbell.—We grant you the right to initiate; but it seems the Legislative Council claim the right to approve.

Mr. Verdon.—We recognise your right to approve, in precise and formal terms, in the wording of part of the preamble.

The Hon. Mr. Campbell.—But we ought to be consulted in the form of the preamble.

Mr. Verdon.—We venture to submit, as to the form of the Bill, it could scarcely be possible that the Legislative Assembly should consult the Legislative Council as to the form of the preamble. The Legislative Council cannot initiate or alter a Bill. We hold that we are the judges as to the wording of the Bills. Unless there be something offensive or untrue in it, the Legislative Council cannot call upon us to alter the preamble.

Mr. Macgregor.—The Constitution confers upon the Assembly the rights and privileges of the House of Commons; and in the introduction of the Bill now under consideration, the rules of the House of Commons have been strictly adhered to, both as respects the resolutions introductory of the Bill, as well as the substance of the Bill itself.

Mr. Verdon.—I think the Committee of the Legislative Assembly—having regard to the conclusion to which the Council has come—ought to express its regret, and let it be recorded, that the Legislative Council say they are unable to go on, unless the members representing the Assembly admit at once that the preamble should be abandoned.

The Hon. Mr. Sladen.—I intended to ask a question, so as to keep the sequence of the subject, just now. Let me ask Mr. Verdon whether he considers that the Standing Orders of the Legislative Assembly give to, or at all events, whether they assert for, the Legislative Assembly the exclusive right of granting aids and supplies to the Crown?

Mr. Verdon.—It depends entirely upon the interpretation put upon the word “grant.” According to the view of the Legislative Assembly, the right of granting is with the Assembly; and we say the word “grant” cannot be aptly applied to that which the Legislative Council does, considering the fact, the Council cannot initiate and cannot alter a Bill of this kind. The term “grant” is a constitutional term, used in distinguishing the position of the House of Commons and that of the House of Lords, and that was what was intended to be understood here. We cannot understand how the word “grant” can be applied to any legislative body not having the power to initiate or alter. The two Houses concur in the enactment, but the Legislative Assembly initiates.

The Hon. Mr. Sladen.—I understand the Assembly, in their Standing Orders and in the preamble, assume the exclusive right of granting “aids and supplies.”

Mr. G. P. Smith.—I think it is hardly fair, and, as a member of the Assembly, I must protest against this course being taken. Practically there is no question before us. We are told by honorable gentlemen on the other side, that it is impossible for us to agree upon this question; and we should not now be entrapped into a discussion as to the abstract rights of the two Houses, and into interpretations which will be certainly used hereafter against us, as to the meanings of certain words. We have been informed already, by the honorable Mr. Sladen, that possibly those objections that are now taken to the preamble, would not have been taken, had it not been for the resolution passed by the Legislative Assembly; and therefore, I do protest against members of this Conference being required to answer abstract questions, which may hereafter be used against us, and applied to questions of a totally different character. I thought that we were met here in an amicable spirit to try if it were possible to deal with this matter as it stands, without going into abstractions at all. Now, I find we are told that we cannot settle it unless we surrender everything—unless we abandon this preamble.

Mr. Verdon.—Unless we wholly abandon the preamble.

The Hon. Mr. Fraser.—That is the question immediately before the Conference.

Mr. McCulloch.—That is the point to be settled now.

Mr. G. P. Smith.—And, therefore, unless it is understood that that is the question now before the Conference, and that that statement that we cannot go on unless we abandon the preamble, is absolutely withdrawn, I must object to a series of questions being put from the other side.

Mr. Vale.—It seems that the Honorable Mr. Sladen was authorised, on the part of the Legislative Council, to make a distinct statement, that unless this side gave up the preamble, there would be an end to the business.

Mr. Byrne.—I would ask Mr. Sladen if it is possible that, by an alteration in the preamble, we can come to an agreement; that is, if we can make an alteration in the preamble that will satisfy the Legislative Council, and by which we can come to some arrangement; or are we to understand that the preamble must be given up *in toto* and replaced by the old one; because I have only to repeat what I said before, that I was pleased to hear the opening remark made by the Honorable Mr. Fraser, that we were to meet here in a kind, and friendly, and conciliatory spirit, to go into this matter; and I felt myself that we had only the three points to discuss, and that as briefly as we possibly could. We are now on the preamble, and if we cannot do something of that sort so as to satisfy the Council, I think there will be an end at once to any further discussion. I can only say for myself, that I have come here to sit without any instructions, and that I have come here actuated by but one object, and that is, the benefit of the country, which is suffering outside. I will act as I think for the best upon what I honestly feel, and I would wish to see all matters settled to-day. I therefore now put my question again, and ask if an alteration cannot be made in this preamble that would be satisfactory, or whether we must give it up as a whole?

The Hon. Mr. Sladen.—I am very anxious, on the part of the Legislative Council, to meet the honorable gentleman who has just addressed me, in precisely the way he has spoken, on the part of the Committee of the Legislative Assembly. I should be very sorry indeed, if any hasty expression that has escaped my lips, should indicate any different feeling in this side of the House. There is a strong feeling of the great importance of the occasion, and a strong feeling on the part of the Legislative Council, that some means should be adopted whereby we may be able to arrive at a solution of the present difficulties. I should be sorry, therefore, if any hasty expression of mine should have led to any other conclusion in the minds of honorable members opposite. Perhaps I was hasty in saying that if the Committee of the Legislative Assembly could not give up the preamble the Conference must drop. Certainly I am not authorised by the Legislative Council to say so. Perhaps I may have expressed myself rather too strongly, and I hope that my remark may be taken with that qualification. But the difficulty that appears to me is this—that the issue to which we are brought now is, that the Legislative Council claims to have the right of “granting” the same as the Legislative Assembly; that is, that it denies that the Legislative Assembly has the exclusive right of “granting.” It appears to the Council that this preamble does assert, or is intended to assert, and indeed it does assert on the part of the Legislative Assembly, a greater power than is possessed by the Legislative Council, or than was proposed to be given by the 56th Clause of *The Constitution Act*; and if we confine ourselves to that particular point, we think that we ought not to be excluded from the “granting.” We do not interfere with what steps the Legislative Assembly please to take to initiate a Bill in their own House, but we object to what seems to follow from the preamble of this Bill. If those words had not been inserted in the preamble we should have taken no notice of it, but by being put in there, it follows that the Legislative Assembly assert that which they were never understood to assert before that exclusive right. We find that this preamble is intended to confer upon or to assert that right for the Legislative Assembly.

Mr. Verdon.—It all turns upon the meaning of the word “grant,” and if it be conceded, as it must be, that no grant is perfected without the assent of all the estates of the realm, the objection of the Honorable Mr. Sladen must fall to the ground. We do not claim the exclusive right of “granting,”

in the sense used by the Honorable Mr. Sladen—that is without the consent of the Legislative Council—we expressly recognise the assent of the Legislative Council, and unless the Legislative Council gives its assent to the proposal of the Legislative Assembly, the “grant” is made waste paper.

The Hon. Mr. Sladen.—Admitted.

Mr. Verdon.—The grant to be a perfect grant must receive the assent of the Legislative Council and of the Executive—the Governor; and, therefore, to apply the word “grant” in the way named by the Honorable Mr. Sladen, is to apply it in a way we do not claim.

The Hon. Mr. Sladen.—It puts the “dutiful and loyal subjects” of the Legislative Assembly in a different position to the “dutiful and loyal subjects” of the Legislative Council. We claim equally to be Her Majesty’s “dutiful and loyal subjects,” as part of the people of Victoria.

Mr. Verdon.—As represented in the Assembly.

The Hon. Mr. Sladen.—No, as in the Legislative Council.

Mr. Verdon.—Is not it the intention of the Constitution Act that the whole people shall be represented in the Assembly?

The Hon. Mr. Sladen.—Not only.

Mr. Verdon.—Specially.

The Hon. Mr. Sladen.—Partly in the Assembly and partly in the Council.

Mr. Verdon.—The Constitution Act expressly gives to the Assembly certain exclusive powers.

The Hon. Mr. Sladen.—Of initiating.

Mr. Verdon.—Initiating and altering, which the Council does not possess.

Mr. Macgregor.—If honorable members opposite will look strictly into the preamble, they will find there is no assertion that the Assembly does “grant,” because the words of the preamble are these, “that a supply be granted,”—it does not say granted by whom.

The Hon. Mr. Sladen.—It says the Assembly.

Mr. Verdon.—Merely resolves.

Mr. Bindon.—It is a resolution.

Mr. Macgregor.—It is what they must do in accordance with the practice that has been followed for many years and years by the House of Commons.

The Hon. Mr. Bear.—“Supplies so granted.”

Mr. Verdon.—I understand the real objection to this preamble lies in these words, “so granted,” because we have omitted the words “resolved to be granted,” contained in the preamble of the English Act; and as I have said before, if the Legislative Council prefer that we should adopt the English form, there will be no difficulty about it. We would go back to that preamble, and alter it to suit the circumstances of the case.

The Hon. Mr. Highett.—The better plan would be to have a new preamble prepared.

Mr. Bindon.—The Honorable Mr. Sladen freely admits that it is in consequence of the preamble with the resolution, he objects to it. I ask him to read it over and correct it if he can; that is to say, I ask him to read it over, and if there be in it an objectionable word, or a covert word, or a word he thinks there is some design in, I ask him to amend it; approaching the subject frankly, with a view to conciliation and compromise so far as our rights will enable us to do so. And I ask the honorable member to deal with it as he would with an ordinary clause in an Act of Parliament, and we will receive it in a kind and conciliatory spirit. Let us not meet each other with a direct negative or affirmative, but as statesmen ought to meet each other, with a desire to alter and amend consistently with our rights.

The Hon. Mr. Sladen.—I would suggest that something of this kind might be introduced, “to take the necessary steps for initiating Supply.”

Mr. Verdon.—We merely follow the resolution, which, by the Standing Orders, we are required to pass.

The Hon. Mr. Mitchell.—The Standing Order does not require the form of this resolution should be put in the Bill.

Mr. Bindon.—“We, Your Majesty’s most dutiful and loyal subjects,” and so on, “freely and voluntarily resolve that a Supply be granted to Your Majesty; and whereas towards raising” such “Supply”—strike out “so granted”—“and whereas towards raising such Supply to Your Majesty, we did on the 11th day of April aforesaid resolve”. How on earth could even the greatest critic find fault with that. The words “so granted” may convey to your mind the idea that it has been granted by the resolution absolutely, but it is not so. A resolution could not grant it. It is the Act of Parliament, so to speak, by which it is done.

The Hon. Mr. Campbell.—Would there be any objection to the words “We the people” instead of “Legislative Assembly.”

Mr. Verdon.—That was the form of the first preamble, and it was objected to very strongly by Mr. Fellows. We thought by merely reciting the facts, without involving that ambiguity, we should avoid the objection.

The Hon. Mr. Sladen.—I might suggest something that appears to me to contain all the substance in the present preamble, unless there is something more in the preamble than appears in the wording of it. “Whereas we, Your Majesty’s most dutiful and loyal subjects the Members of the Legislative Assembly have taken the necessary initiatory steps for procuring Supply to be granted to Your Majesty, we do therefore most humbly beseech Your Majesty” and so on.

Mr. McCulloch.—What is the difference between “taking the initiatory steps” and “resolve to grant”?

The Hon. Mr. Sladen.—That is what I want to know.

Mr. McCulloch.—Why did you object to it in the Bill?

The Hon. Mr. Sladen.—Why do you object to it?

Mr. McCulloch.—You have not shown any reasons for the proposed change. We have stated in the Bill what has actually taken place in the House: there may be some discussion as to what the initiatory steps are.

The Hon. Mr. Sladen.—The records of the House show that.

Mr. McCulloch.—It is better to put it in the Bill than have any ambiguity.

Mr. Vale.—The word itself is offensive. The idea of taking initiatory steps is just as if we were an infant school.

Mr. G. P. Smith.—There is something more expressed in the preamble than is expressed by initiatory steps. You will understand me not as speaking against the Legislative Council, but we follow the ancient constitutional usage.

The Hon. Mr. Sladen.—Which is not applicable here.

Mr. G. P. Smith.—Am I supposed to be told that the powers of the people are more limited in granting supplies to the Crown than the powers of the people of England.

The Hon. Mr. Sladen.—That is what we think, if you limit “the people” to the constituencies of the Legislative Assembly.

Mr. G. P. Smith.—It is as between the Crown and the people. There are certain forms to be complied with before the Supply is granted to the Crown; a Message is addressed exclusively to the people’s representatives, whether it be in the House of Commons, or in the Legislative Assembly. That Message is taken into consideration, certain resolutions are founded upon it, and it is resolved that, in response to the Message, supplies should be granted to Her Majesty. The Governor in his speech addresses the Legislative Assembly alone, and I am quite sure honorable gentlemen on the other side must see there is considerable difference between the powers and relations of the two houses which is in favor of the Legislative Assembly in respect of this Bill. The Assembly, as representing the people, stands in precisely the same position as the House of Commons; it does not follow by any means that, because the House of Assembly assumes certain powers in initiating Bills of Supply, that therefore it invades the privileges of the Council. We, in respecting the rights and privileges of the Assembly, preserve also the rights and privileges of the Council as represented in the Assembly, because it is not to be said, though the Honorable Mr. Sladen took exception to the expression of Mr. Verdon, that the people are not represented in the Assembly. I apprehend the whole people of the country are represented in the Legislative Assembly; and as the greater includes the lesser, the Legislative Council itself is represented in the Legislative Assembly; therefore it would be absurd to say we took certain initiatory steps. We did what we were authorised to do as representing the great mass of the people—we resolved that supply should be granted to Her Majesty in accordance with the request of Her Majesty’s Representative, and with the form of ancient parliamentary usage. And if it is to be said that the people of this colony, because they are colonists, and because they have a written constitution, which was meant to be as nearly as possible analogous to the Constitution of Great Britain—if it is to be said their rights in respect of taxation between themselves and the Crown are to be rendered less than they are, by any preamble in a Bill, then I say that is a proposition we cannot agree to, and an objection arises that we cannot get over; because I have said repeatedly, it is between the Assembly, as representing the people, and the Crown in the initiation of supply, and therefore we recite that the people have voluntarily resolved to give and grant to Her Majesty—all of which is done before the Legislative Council interferes at all.

The Hon. Mr. Sladen.—That is a very good argument why we should object to the preamble, only the honorable member has not said so.

Mr. McCulloch.—How do you account for the fact, that at the opening and close of every session, when any Bill affecting finance is to be dealt with, the gentlemen of the Legislative Assembly have invariably been addressed by the Governor. When the honorable Mr. Sladen was Treasurer, for instance, in 1857, I think, you will find the Acting Governor then came down to the House, and, after addressing the President and honorable gentlemen of the Legislative Council and Legislative Assembly, in the course of speaking on various subjects, came down to deal with the Estimates and finances, he addressed himself to gentlemen of the Legislative Assembly alone. In the same way, in closing that session—when the Honorable Mr. Mitchell was a member of the Government, and the Honorable Mr. Strachan also—the very same course was followed. They must have believed at that time that the management of the finances rested with the Legislative Assembly. Why is the objection taken now? There was the same Standing Orders and the same course of introducing financial measures into the Assembly. The same course was followed then as is pursued now; and therefore objection should have been taken, if taken at all, by those honorable gentlemen long ago, when they were in a more active position in the Government. The Governor’s speech is certainly addressed to both Houses, and both Houses are there met, and the Governor singles out one branch of the Legislature to deal with the finances. So that I think there cannot be any possibility of a doubt that the principal, that is, the main, management of the finances must rest with the Legislative Assembly. That has been admitted by all those repeated Acts; but whilst that is the power we claim, we do not for one moment seek to override the power of the Legislative Council to refuse to agree to measures as they have been done in some cases. All that we claim is, that we shall put into that Bill the steps that we actually take to enable that Bill to be sent to the Legislative Council; and unless we have granted supplies, that is, unless the Legislative Assembly has resolved to grant supplies in passing the Bill through its various stages, we should be doing that which would be informal. We do therefore only what is actually required; we take the necessary steps, which we put in the Bill, to make it law; therefore I cannot see the ground on which the objections are taken, more especially when nothing has been pointed out as untrue or offensive. If it could be pointed out that there was anything untrue the Legislative Assembly would be prepared at once to listen to it, and discuss that particular point. If there is anything offensive it is not meant to be offensive; and I can assure honorable gentlemen nothing was intended by the Government or by the Legislative Assembly in any of their proceedings to be offensive to the Legislative Council, notwithstanding all that has been said out of doors on that subject; and if the Honorable Mr. Sladen, or any honorable gentleman opposite, will only point out any particular words that could be construed into being considered to be offensive to them, the Committee on this side would be perfectly willing to listen to it and discuss the question.

The Hon. Mr. Campbell.—Might I ask why the English form of the preamble was not originally adopted.

Mr. Verdon.—It was originally adopted.

The Hon. Mr. Campbell.—Why was it altered?

Mr. Verdon.—In order to meet objections urged by the Legislative Council.

The Hon. Mr. Campbell.—Why, then, was it not done earlier?

Mr. Verdon.—That can only be answered by the Ministry who were in office at the time.

The Hon. Mr. Campbell.—We think it is very inconvenient just now to make an alteration which seems to be very offensive to many members of our house; and we think it is unreasonable to alter it at this juncture, when you can get on with the other preamble just as well as with the one you want to substitute for it.

Mr. McCulloch.—It all depends upon that point. When you say it is offensive, will you point out in what way it is offensive, or how it can be offensive. A mere general statement like that will not enable us to arrive at any conclusion, unless you show your privileges are trespassed upon in any way.

The Hon. Mr. Campbell.—If my memory serves me, it was stated distinctly there was a design to narrow the privileges of our house by the introduction of this Bill.

Mr. McCulloch.—When or where?

The Hon. Mr. Campbell.—In your house, I think.

Mr. McCulloch.—I think you are mistaken.

The Hon. Mr. Campbell.—We know how lawyers can twist things.

Mr. McCulloch.—I must really correct you. There was never anything said of any intention on the part of the Government to trench upon the privileges of the Legislative Council. Whatever may have been said by others, we had no other object than the maintenance of our own privileges—that is, the privileges of the Legislative Assembly.

The Hon. Mr. Campbell.—We know lawyers can sometimes make black look white; and we know that eminent lawyers in this colony have said that the written law was not the constitutional law; and when we find lawyers twisting matters into different meanings, I think we should be very careful how we admit of any alterations.

Mr. McCulloch.—You are quite right in being careful, but I think we should come to some arrangement.

The Hon. Mr. Campbell.—We think it is a superfluous alteration, and that is creating a difficulty you should not do.

Mr. McCulloch.—If it comes down to merely being superfluous, and nothing untrue or offensive, surely that ought not to be a point by the Legislative Council for standing out.

The Hon. Mr. Campbell.—I have said it is offensive to many members of our house.

The Hon. Mr. Mitchell.—By the assumption by the Assembly of powers not given by the Constitution Act.

Mr. Verdon.—They must be powers in accordance with the Standing Orders, to which the Honorable Mr. Mitchell and others, as members of the Assembly, were parties; and it is not to be presumed that members of the Legislative Council now, who were members in the Legislative Assembly then, because they were so, attempted by the Standing Orders to invade the privileges of the Legislative Council.

The Hon. Mr. Mitchell.—I was not a member of the Assembly.

Mr. Verdon.—But several other honorable gentlemen were.

Mr. Vale.—But you were a member of the Government that initiated Bills.

The Hon. Mr. Mitchell.—That was with the old heading.

Mr. McCulloch.—You were a member of the Ministry that introduced financial measures in the same way, by granting supply to Her Majesty by a resolution in Committee of the house. That was so?

The Hon. Mr. Mitchell.—Yes.

Mr. McCulloch.—Very well, we have done nothing more, and we have only stated the fact.

Mr. Verdon.—The Honourable Mr. Mitchell does not object to the forms we have gone through in procuring supplies to Her Majesty?

The Hon. Mr. Mitchell.—No.

Mr. Verdon.—The Honorable Mr. Sladen does.

The Hon. Mr. Sladen.—No.

Mr. Verdon.—Then, if there is no objection to the substance, why object to the recital; it is a mere statement of the facts.

The Hon. Mr. Sladen.—Why put it there?

The Hon. Mr. Mitchell.—The resolution of your house is merely a resolution of your house to grant supplies, and then you put in your preamble a declaration you have done so.

Mr. Verdon.—The preamble is not law. We say we have resolved to grant.

Mr. McCulloch.—Are you prepared to make any suggestion.

The Hon. Mr. Mitchell.—I cannot understand why you make an objection to the proposition of Mr. Sladen.

The Hon. Mr. Sladen.—“We Your Majesty’s dutiful and loyal subjects have taken the necessary initiatory steps.”

Mr. McCulloch.—Take out the word “initiatory,” and put in “to grant supply.”

The Hon. Mr. Mitchell.—Very well, that will do.

Mr. McCulloch.—Let us have it written out. It will be far better to try, if we can, on both parts to agree. Perhaps you might take this matter into consideration, and think it over. I do not think you are bound at once to come to any decision. You are inclined to make an alteration.

The Hon. Mr. Campbell.—We had better finish the points as we go on.

Mr. McCulloch.—I am afraid we can scarcely do that.

The Hon. Mr. Fraser.—This preamble had better be amended and agreed to.

The Hon. Mr. Sladen.—Will you take out the word “initiatory,” and say “necessary steps to cause supply to be granted,” otherwise it will be an assumption on the part of the Assembly that they do grant.

Mr. McCulloch.—We do grant the supplies absolutely, because it requires to be clothed by the authority of the Council afterwards.

Mr. Bindon.—We “grant” by resolution.

Mr. Vale.—It may be as well to say that there is a considerable indisposition at this end of the table to accept that. If honorable members on the other side simply wish to make it more distinct, they could do it by some slight alteration of the present preamble as it stands. In fact, they have concurred and agreed to this in some measure. Now, I think they might do that, if they wish to meet the thing in the spirit in which I hope honorable members have come here to-day, that is with a desire of letting the constitutional difficulty be one to be fought out apart from the present constitutional crisis. We wish to settle that matter if we can—we are prepared to “give and take”—but we should not be justified if we took a course that would be a sacrifice of the dignity of our chamber, and the chamber in such a case would not recognise our conduct. We have come here without any pre-arrangement as to the selection of the Committee, or any knowledge as to any personal feelings. No person knew the views which I held in relation to this question, having reference to the preamble. I have never uttered a single opinion in public upon the matter of the Conference, or stated my views, and I scarcely know the opinion of any other member of the Conference. We have come to “give and take,” in order if possible to make a settlement of this question; and I think there should be some consideration on the part of honorable gentlemen on the other side, and some endeavour to alter this preamble, so as to make it as far as possible the means of smoothing difficulties and objections. Honorable gentlemen opposite admit we have the right to initiate this Bill, and when we come, with a view to conciliation, to consider any alterations that may be made, we are doing a great deal, and it is not fair if the other side ask us to accept of a new preamble. I do not see in this preamble anything more than is really stated. There is no desire on our part to offer obstruction, but it would appear as if the Honorable Mr. Sladen had a

desire to do a little something more—as if he had a desire on his own part to make this Conference a means of asserting additional power.

The Hon. Mr. Sladen.—No, no.

Mr. Vale.—I am glad to hear that. By this Conference we desire and hope to remove suffering from those who are suffering from the present order of things.

Mr. G. P. Smith.—One consideration ought to bear with honorable gentlemen on the other side. I have gone very carefully through the two documents that have been prepared in the Upper House—the one the Address to the Governor, the other the Address to the Queen. I find that objections were taken to the Bill upon the grounds of its being both a Bill of Supply and of Appropriation; but no objections were taken to the preamble. The Upper House did not then regard that as an invasion of their rights.

The Hon. Mr. Sladen.—Yes, they did.

Mr. G. P. Smith.—I apprehend the Honorable Mr. Sladen has admitted since to the contrary; and that, if they did not, they ought to have expressed it; but, when so important a document as an Address to Her Majesty was going to England, it was the duty of the Upper House to state all the objections, and no such objection was taken then. The Honorable Mr. Sladen has once admitted that probably no objection would have been taken now if it had not been for the resolution of the Legislative Assembly. I think the honorable gentlemen representing the Legislative Council ought to consider that they have, to a very great extent, allowed their opportunity for making the objection to pass. It ought to have been made many months ago; and if the Bill was rejected for certain invasions of the rights and privileges of that house, it was certainly competent to the members of that house to judge as well what their rights and privileges were then as now. But I find that there was no such objection made then. If the preamble of the past year is preferable to this, let it be said so on the other side, and we will consider it.

Mr. McCulloch.—Have you accepted this suggestion to take time and consider this, and go on and discuss the other points.

The Hon. Mr. Mitchell.—I should be glad to dispose of this point if we can.

The Hon. Mr. Fraser.—If we do not finish it altogether, it is desirable to understand what alteration would be acceptable on both sides, in order to take that into consideration.

Mr. Verdon.—We are trying to see what we can “give” and “take” on the whole question.

The Hon. Mr. Campbell.—Perhaps the professional gentlemen would suggest some alteration.

The Hon. Mr. Fraser.—We must do it in a proper spirit—really the state of the country at the present time is such that we ought to come to some understanding, and put an end to our differences if possible.

Mr. Verdon.—Mr. McCulloch has suggested that it would perhaps be convenient to go through all the three points without coming to a decision on any of them, and then to go back—having understood one another's views—and settle them, after having had a little time to consider them one after another as they have arisen.

The Hon. Mr. Campbell.—We thought it would save time to settle them at once.

The Hon. Mr. Highett.—I think we cannot agree at present. Mr. Sladen has written out a resolution. I think we ought to accept the suggestion of Mr. McCulloch.

The Hon. Mr. Sladen.—Wait a moment, if you please.

The Hon. Mr. Campbell.—I would take this opportunity of impressing upon honorable members opposite the fact that our house has conceded very much already—that we have conceded every point with regard to our policy, and have given in, in fact, to the other house.

Mr. Bindon.—You have conceded to the country.

Mr. Verdon.—The views of the Legislative Council have been modified in accordance with the views of the country as to the policy, and it is really only matter of form that is left now. We have also made concessions as to three points; we have altered the preamble to meet the views of the Legislative Council; we have undone the tack as it has been improperly called, and we have left out the retrospective clause. Those are three points as to form on which the Assembly has given way.

Mr. Bindon.—I do not regard the concessions the honorable member of the Legislative Council has alluded to as being so much a concession to the Legislative Assembly as to his own constituents and to the country.

The Hon. Mr. Campbell.—It is the same thing, I think.

Mr. Bindon.—No, it is not the country that frames an Act of Parliament, or adopts the form of an Act of Parliament—it is the house that does that; the question of policy is settled by the country.

The Hon. Mr. Campbell.—No doubt Protection has been your policy; and, contrary to our own known views, we have conceded that point, and we have given way to an extent that I hope is not to be repented of hereafter. It is a great concession.

Mr. Verdon.—To the country.

The Hon. Mr. Campbell.—To the country and to the Assembly.

Mr. Macgregor.—I would suggest an alteration bringing back the preamble to something like what it was when the Bill was first sent to the Upper House, and also following, as far as circumstances will permit, the form in the British House of Parliament—“Most Gracious Majesty: Whereas we your Majesty's most dutiful and loyal subjects, the Legislative Assembly” (not members of the Legislative Assembly)—“of the Victorian Parliament assembled, towards raising the necessary supplies to defray the public expenses, and making an addition to the public revenue, have freely and voluntarily resolved that there be granted”—not that we grant, but that there be granted—it does not say by whom—“the rates and duties hereinafter mentioned.”

Mr. Bindon.—“That there be granted?”

Mr. Macgregor.—Yes: “That there be granted.”

The Hon. Mr. Campbell.—Perhaps you will make the alteration, and show us how it will come in, in the margin, and we shall understand it better.

Mr. McCulloch.—You get the whole of it if you put in “raising the same,” and take out “supply” in the fifth line—you cannot object to that.

Mr. Verdon.—Or use the word “grant” in the past tense.

Mr. McCulloch.—“We, Your Majesty's most dutiful and loyal subjects, the Legislative Assembly of Victoria in Parliament assembled, did on the () “day of April, 1866, freely and voluntarily resolve that a supply be granted unto Your Majesty”—resolve only—“and whereas towards raising the same we did”——

The Hon. Mr. Sladen.—I cannot follow you.

Mr. McCulloch.—“Freely and voluntarily resolve that a supply be granted to Your Majesty, and whereas towards raising the same we did, on the 11th day of April aforesaid, resolve the several rates and duties hereinafter mentioned be granted, and do therefore most humbly beseech Your Majesty”——

The Hon. Mr. Mitchell.—It is the same thing.

Mr. Bindon.—The anticipation that we grant is struck out.

The Hon. Mr. Sladen.—What is the antecedent of “same”?

Mr. Verdon.—The supplies we resolve to grant. That was the objection that was raised by Mr. Bunny on the part of the Opposition in the Legislative Assembly, but to make the thing consistent we ought to have introduced the words “resolved to grant.” To obviate the objection urged by the Legislative Council was (Mr. Ireland made the same objection) that it would be only necessary to introduce those words, or to make the last part distinctly refer to the antecedent, to obviate the objection raised by honorable members of the Legislative Council, that, according to the preamble, supplies had been granted, and the grant completed, without the sanction of the Legislative Council—an objection we ought to meet. To the wording as it is, objection may possibly be taken; but now, first of all, it is only that a statement is made that on a certain day we did resolve that a supply be granted to Her Majesty.

The Hon. Mr. Mitchell.—Please read the whole.

Mr. Verdon.—“Most Gracious Sovereign: We, Your Majesty’s most dutiful and loyal subjects, the Legislative Assembly of Victoria, in Parliament assembled, did on the 11th day of April, 1866, freely and voluntarily resolve that a supply be granted to Your Majesty,” “and whereas towards raising the supply so granted to Your Majesty,”—these words would leave it open to the Legislative Council to say you have completed your grant,—“and whereas towards raising the said supply” or “such supply,” namely, the supply we resolve. I want to obviate that objection to the past tense of the verb “to grant” being added, and then it remains, as we intended it should remain, that the Legislative Assembly resolve that a supply should be granted to Her Majesty on a certain other day, towards raising a supply not granted, but towards raising a supply resolved to be granted.

Mr. Vale.—Mr. Ireland put it in this way. He complained of the preamble of the Bill of last session, as asserting the sole right of the Legislative Assembly to grant supplies, and then he went on to say, “a broad constitutional principle was laid down,” and yet the “present preamble was considerably modified. For then,” he said, “what did this recital amount to? Why, to a total abandonment of the position first taken up. It said now, not that the Assembly had granted supplies, but that the Assembly had resolved that they should be granted, a fact which nobody denied. Ministers had at last entrenched themselves within the limits of the Constitution Act, and he sincerely congratulated them” upon it.

Mr. Verdon.—He referred to the words “so granted.” The words “so granted” still appear, but they would be altered by that.

Mr. Byrne.—If they be taken out, the objection will be gone.

The Hon. Mr. Sladen.—Is there no way by which you can get rid of those words “resolve to grant.”

Mr. Verdon.—It is part of the resolution.

The Hon. Mr. Sladen.—Why cannot you say “take the necessary steps.”

Mr. Bindon.—That is resolved. Why should we use covert words to conceal a plain truth?

The Hon. Mr. Sladen.—It is precisely in accordance with the 56th section, which says “The Legislative Assembly shall have power to initiate and to take the necessary steps to grant supplies to Her Majesty,” and whatever steps they take are nothing to us.

Mr. Verdon.—That involves this consideration, we should act upon our Standing Orders as if we were afraid whether those Standing Orders were legal, and within the Constitution. How could we do that?

The Hon. Mr. Sladen.—But they cannot have any effect upon the Legislative Council unless assented to by that body.

Mr. Verdon.—That depends upon the reading of the Constitution Act.

Mr. Bindon.—Does the Honorable Mr. Sladen conceive that “resolved” to do so and so should be altered into “initiatory steps”? Will he ask us to repudiate our own Standing Orders?

The Hon. Mr. Sladen.—Not at all.

Mr. Bindon.—The “initiatory steps” are defined to be so and so, to move certain resolutions; and will you ask us to ignore the very act we are desired to do by our own Standing Orders?

The Hon. Mr. Sladen.—No.

Mr. Bindon.—Then it appears to me that the only dispute between us is with regard to the force and effect of the word “granted.” I freely admit it may be said on the opposite side, the word “granted” implies an absolute act without the assistance or co-operation of the Legislative Council; but if those two words “so granted” be struck out, that seeming assumption would be immediately removed, for it is but a seeming assumption. We do not assume it. Then it will run thus: “In the year of Our Lord One thousand eight hundred and sixty-six freely and voluntarily resolved”—that is true—“that supply be granted”—those are the exact words—“to Your Majesty and whereas towards raising the same,” or such supply, I will put in the words “such supply,” and leave out the words “so granted.” Now, no one can honestly or critically fasten a meaning upon that, to say we did absolutely grant, without the intervention of the Upper House, and which we do not say, because we admit the grant must have their assent, to have the force and effect of law, and immediately after we state it so. I will correct a copy and hand it over, so that you will be able to see my meaning more clearly—[The same was handed to the honorable members of the Legislative Council Committee]—or “such supply as aforesaid,” then that takes out the word “granted,” and leaves it as it were that we only pass a resolution.

The Hon. Mr. Fraser.—The difficult words, as it appears on this side, are in the fifth line, “resolve that a supply be granted.”

Mr. Verdon.—This is merely the form of the resolution. Do you ask us to strike this out?

The Hon. Mr. Fraser.—If another word could be introduced.

Mr. Bindon.—The records of the house prevent it.

The Hon. Mr. Mitchell.—We had a very different preamble to former Bills, and those Bills were equally good law.

Mr. McCulloch.—Why do you object to the words?

The Hon. Mr. Mitchell.—Because we do not recognise the powers claimed.

Mr. McCulloch.—We have power to resolve anything we like.

The Hon. Mr. Sladen.—Why is it necessary to tell the Legislative Council what steps you take?

Mr. McCulloch.—It is necessary to make that Bill a perfect Bill.

The Hon. Mr. Sladen.—Will it not be perfect without it?

Mr. McCulloch.—No; if we sent up this Bill to you without granting the supply, or passing a resolution to grant supply, and you gave your assent to it, that Bill would not be legal.

The Hon. Mr. Sladen.—I do not know that.

Mr. McCulloch.—If it did not go through all the necessary forms, it would not be legal.

Mr. Verdon.—Why should the thing be objected to, if there is nothing offensive in it?

The Hon. Mr. Sladen.—But I have said there is.

Mr. Verdon.—Then it amounts to this—I do not say it by any means offensively—but it amounts to this; that the Legislative Council is to dictate to the Legislative Assembly the form of the preamble of the Bill.

The Hon. Mr. Sladen.—And we say the Legislative Assembly is not to dictate to the Legislative Council, or contend that they have greater powers than they possess.

Mr. Verdon.—It has never been objected that we have the power to resolve by our Standing Orders.

The Hon. Mr. Sladen.—But we are not bound by your Standing Orders.

Mr. Bindon.—We say we have proposed and carried a resolution; and the Hon. Mr. Sladen, when he was Treasurer, repeatedly did the same.

The Hon. Mr. Sladen.—Hear, hear.

Mr. Bindon.—That is conceded to me, that he has repeatedly done that.

The Hon. Mr. Mitchell.—But he never put any such statement into any Bill he introduced into the house.

Mr. Bindon.—But we claim to put in the truth, and that is what we desire.

Mr. Verdon.—I find, on the 10th January, 1861, “Mr. Lalor reported from a committee of the whole a certain resolution, which was read and agreed to, and is as follows:—Resolved, That a supply be granted to Her Majesty.”

The Hon. Mr. Sladen.—We are quite aware of that. We have nothing to do with your Standing Orders. You may do as you please in your own house, but you should not insert in a Bill which is to come before us, what seems to imply that you exercise a power which you deny to us—that of granting supplies.

Mr. Verdon.—There is nothing to prevent the Legislative Council from resolving the same thing. If they be a portion of the Commons, as the Honorable Mr. Sladen says, let them pass a resolution resolving to grant supply to Her Majesty.

The Hon. Mr. Sladen.—Will you let us put it into the Bill?

Mr. Verdon.—You have no right to initiate.

The Hon. Mr. Sladen.—Therefore, I say, you should not insist upon a right which is offensive.

Mr. Verdon.—A right which is offensive?

The Hon. Mr. Sladen.—Of course, a right could not be offensive. We do not dispute any power you assume for regulating your own proceedings; but if you go outside of the Assembly and say that you exclusively grant supplies, we say that is offensive.

Mr. McCulloch.—It is a mere statement of the fact of what we have done.

The Hon. Mr. Sladen.—I am perfectly aware of that.

Mr. McCulloch.—There is nothing stated as to what the Legislative Council ought to do, or should do, it is a mere statement of what we do, and we ask you, in the ordinary way, to give authority to raise the means.

The Hon. Mr. Sladen.—It is clear that a different inference is attached to it.

Mr. Verdon.—The Legislative Council cannot alter a Bill of Supply, and now we are requested to alter one of our Bills of Supply. Our House may consent to some alteration; but if we are to consent to alterations so many as now seem to be demanded, as practically to be a violation of the Constitution Act, which says the Council shall not alter, the House cannot agree to them.

The Hon. Mr. Sladen.—If the preamble is put forward to assert a particular right for the Legislative Assembly, which we consider it does not possess, it goes beyond that.

Mr. Verdon.—The right has never been denied, of passing these resolutions.

The Hon. Mr. Sladen.—Nor of you doing anything you please in your own House.

Mr. Verdon.—We recite only, that we have passed a resolution, as we have a right to do.

The Hon. Mr. Sladen.—We do not recognise your Standing Orders so far as they affect us.

Mr. Verdon.—I take it that they do not affect you at all.

The Hon. Mr. Sladen.—It appears they do by the way you put them in the Bill. You say you are doing this in pursuance of the Standing Orders.

Mr. Bindon.—Suppose we take up the discussion of some other subject.

The Hon. Mr. Fraser.—Is there no way of arriving at an amicable agreement in this matter.

Mr. Bindon.—It is suggested to me that the words “so granted to Your Majesty” be struck out, and the words “such supply as aforesaid” be inserted in their place.

Mr. Macgregor.—I think we had better go to the next point raised by the honorable gentlemen of the Legislative Council against the Bill.

Mr. Bindon.—It is little better than a critical dispute between us. The Honorable Mr. Sladen has stated that at another time he would not object.

The Hon. Mr. Sladen.—I did not say, I would not object.

Mr. Bindon.—Might not object.

The Hon. Mr. Fraser.—The difference with regard to the preamble has narrowed itself down to a word or two; would not it be well to try and meet the objections.

The Hon. Mr. Campbell.—We have done all we can.

Mr. Bindon.—What are those words?

The Hon. Mr. Fraser.—In the fifth line the words “resolved that a supply be granted”—those are the words objected to by honorable members on this side.

Mr. Vale.—The words objected to are “resolved that a supply be granted.”

The Hon. Mr. Fraser.—“Be granted.”

Mr. G. P. Smith.—In point of fact, the Legislative Assembly, as representing the people of the country, are asked to assert something less than the House of Commons would be justified in asserting.

The Hon. Mr. Fraser.—They are asked to allow the Council to join them in this.

Mr. Verdon.—That is expressly done—they cannot possibly join in the resolution, because that is exclusively given to the Legislative Assembly. According to the existing Standing Orders and the

Constitution Act the Assembly above can initiate certain steps necessary to the introduction of a Bill—those steps can be taken in the Legislative Assembly only, and as soon as the Bill is presented to the Legislative Council you see at once, by this preamble, that the authority of the Council is recognised.

The Hon. Mr. Sladen.—Then, as I understand Mr. Verdon to say, that, in pursuance of the Standing Orders, the Assembly take the necessary steps to initiate, why will not that do in the Bill?

Mr. Verdon.—Why should it be altered?

The Hon. Mr. Sladen.—There is that little difficulty to be got over, and that appears to me to carry out the views of the Assembly.

Mr. Verdon.—That differs so widely from the English precedent.

The Hon. Mr. Sladen.—Pardon me a moment. Mr. McCulloch says it is desirable that, when the measure comes before the Legislative Council, it should be assured that proper steps had been taken in the first instance, so that when the Bill is assented to, it may actually become law; but that it would be vitiated in consequence of certain preliminary steps not having been taken.

Mr. McCulloch.—I did not quite put it so I think. I did not say it was desirable on that ground, but I said we had the right, and that it rested simply with the Assembly to pass the initiatory steps, by voting simply to be necessary; and that before a Bill of this kind could be introduced, it was necessary those steps should be taken. I did not say it was necessary to put it on the Bill, but there could be no objection to placing it on the preamble of the Bill.

The Hon. Mr. Sladen.—It is not as I quite understood before, but it comes to the same thing; why not recite you have taken the necessary steps?

Mr. Verdon.—Because we are endeavoring to cling as closely as possible to the English precedent, and that would be so far differing as to make it foolish.

Mr. Bindon.—There is another reason why we want to abide by this language, and that is because it is plainer and less ambiguous.

The Hon. Mr. Sladen.—No, not plainer.

Mr. Bindon.—We say we did pass a resolution, because we did pass a resolution.

The Hon. Mr. Sladen.—By your Standing Orders—

Mr. Bindon.—Pardon me a moment. Supposing this Bill to be passed on the 11th of April, you have no right to see the Bill till the 12th of April, until it has, in fact, passed us altogether. We have a date here, the 11th of April, how can you object to a recital of that Bill of what you have no cognizance of at all until it reaches you? You say, confessedly, you have no desire to dispute the exercise of our rights, while in obedience to our Standing Orders we do exercise our rights, and that was the mode and manner in which we did it. How can you gainsay the recital of a fact which we say we have a perfect right to do, in the exercise of our proper prerogative, before the Bill reached you at all?

The Hon. Mr. Sladen.—But how if those Standing Orders interfere with the rights given by the Constitution to the Legislative Council.

Mr. Bindon.—How can a resolution of ours affect your House? We pass a resolution, let it be ill or otherwise, that cannot touch you. It is a condition imposed upon us by law, it is to us a condition precedent, and we fulfil it to the letter; and in doing so we pass a resolution, which is on the minutes of our House, and you want us to put an obscure recital of our own deliberate act, instead of stating clearly and plainly what we did, and which does not affect you, because it was done before the Bill reached you. We say, that upon a certain date, we did pass a resolution—we say we resolved upon a certain course, and we passed a resolution—we recite that, and for the purpose, and with the view of obviating all difficulty, I propose to strike out the words “so granted” in order that there may not be a shadow of ambiguity about our acts, or any misconstruction about them. I leave out the words “so granted” in order that all ambiguity may be avoided. How can you, or any one historically, or literally, object to that. I think you are looking upon that apprehensively as a species of threat rather than as a fact; and I ask you, where there is so much at stake in the country, rather to look at it as a fact than to look at it apprehensively. We do not mean it as a conversion or invasion, but as a simple following of the facts in a truthful and exact manner.

The Hon. Mr. Sladen.—Do you not mean it to imply the exclusive power to grant in the Assembly?

Mr. Bindon.—I mean it to imply the exclusive right to resolve to grant, as the words say.

Mr. Vale.—It means the very thing that is provided for—it means that we have the power to initiate money Bills.

Mr. Bindon.—I freely admit the grant would be useless without receiving the seal of the Legislative Council.

The Hon. Mr. Mitchell.—Perhaps it would be a better way to pass over this for a time, unless we can come to a resolution.

The Hon. Mr. Fraser.—Is it desirable that we should pass it over at this stage, and re-consider the matter.

Mr. Bindon.—We think so.

Mr. McCulloch.—I think that would be best in all points. There is no advantage to be got by a further discussion of this point.

The Hon. Mr. Fraser.—I trust the next will be a very short discussion, and that we shall soon determine what we will do.

The Hon. Mr. Mitchell.—And come to our resolution.

The Hon. Mr. Fraser.—The next point is the repeal of the Gold Duty. Its being attached to the Tariff Bill is considered objectionable.

Mr. Verdon.—What is the objection to that?

The Hon. Mr. Fraser.—It is considered by the majority of the Council that it is a rent or royalty; that it is part of the territorial revenue, and has no right to be put in a Bill of Supply—that it should be in a separate Bill. We have no objection to it in a separate Bill.

Mr. McCulloch.—What is the objection to its being in the same Bill?

The Hon. Mr. Sladen.—Supply is the first measure—dealing with the things to be granted to the Crown; and if it be that the Gold Duty is a revenue, it cannot be granted to the Crown—it is the Queen's already, and we cannot tax the property of the Queen; for instance, you could not tax Crown lands.

Mr. McCulloch.—First of all, as to the duty.

The Hon. Mr. Sladen.—It is not a fiscal measure. Anything in the nature of a rent having to do with territorial revenue is not fiscal in its character.

Mr. McCulloch.—Is it not a duty? I want to get over our difficulty as shortly as possible.

The Hon. Mr. Fraser.—That is the quickest way—to say whether it is a duty.

Mr. McCulloch.—I say it is a duty. It has been clearly defined as such in all the measures dealing with it. When it was first introduced it was introduced as a customs duty, and in any alterations that have been made by different Governments, it has always been treated as an alteration of a customs duty. If it is a rent, it ought to have been treated as if it was meant to be a rent; but I think there is plenty of proof to show it is not a rent at all. Suppose gold to come here from another colony, it is exported; it pays a duty coming overland from New South Wales say, and paying such duty, how could it be a rent in that view. Suppose, now, from the state of exchange with any other part of the world, it was desirable to send bullion rather than sovereigns, and sovereigns were melted down, would there be a duty charged then? I apprehend there would. There would be a duty charged upon the gold shipped, if melted down from sovereigns; whereas the sovereigns may have come in from England—they may have been imported direct from England; and therefore, it could not possibly be in the nature of a rent where you were charging a duty upon gold imported from England and re-exported. I say those are cases, if not probable, it is quite possible may arise at some time.

The Hon. Mr. Sladen.—I think very improbable ones.

Mr. McCulloch.—Still, you admit that I could, if I thought fit for any particular purpose, melt down 1000 sovereigns.

The Hon. Mr. Sladen.—If you chose.

Mr. McCulloch.—And if I exported sovereigns without being melted, there would be no duty; but if I exported those sovereigns as bullion, there would be a duty.

The Hon. Mr. Sladen.—Of course.

Mr. McCulloch.—In what way could the Crown claim, that if it was put on for the purpose of getting a rent, seeing that the gold had never been extracted from the soil of this country. If you claim by this Act that gold should pay a certain duty, how can it be said to be rent when that gold never was extracted from the soil of this country.

The Hon. Mr. Sladen.—I give you credit for more intelligence than to think you would do such a thing as that.

Mr. Verdon.—Is not it by such cases the thing is to be tested.

The Hon. Mr. Sladen.—I think not.

Mr. McCulloch.—You admit that I could go (or that any member of this committee could go) and reduce sovereigns into bullion, and you admit that I would not be allowed to export that bullion from this country, though I proved I had actually reduced the sovereigns to make the bullion: they would still insist at the Customs that I should pay the duty.

The Hon. Mr. Sladen.—You would never do such a thing.

Mr. McCulloch.—Cannot it be done.

The Hon. Mr. Mitchell.—Suppose it took place.

Mr. Verdon.—Suppose that charge were made at the Custom House, would it, in that case, be a rent?

The Hon. Mr. Sladen.—Of course not; there would be nothing in return.

Mr. Verdon.—It could not be considered a rent. Now, you see that two names have been used in regard to the effect of this Act imposing a duty. By one it has been called a "rent;" by the other, and more correctly, a "duty."

The Hon. Mr. Sladen.—I say a case of that kind practically cannot happen. No person would ever be so foolish as to melt sovereigns that would not be dutiable, to turn them into bullion that would be dutiable.

Mr. McCulloch.—Take another case, say of a quantity of gold extracted from the soil here: I get that manufactured into some article of plate never intended to be exported from the country. It comes from the Crown, yet where is the Queen's rent?

The Hon. Mr. Sladen.—It is not paid; it is a different thing.

Mr. McCulloch.—A rent simply means that which is attached necessarily to all that comes from the soil or the thing occupied.

The Hon. Mr. Sladen.—It is rent or revenue.

Mr. McCulloch.—Will you point out any instance in this case where it is rent? or will you point to any case where the payment of rent is not made as for a possession occupied.

Mr. Verdon.—Suppose you take the alteration word "royalty." Is not it the very essence of a royalty that it should be collected upon all gold got out of the estate belonging to the owner entitled to demand the royalty, at the very mouth of the mine?

The Hon. Mr. Sladen.—No doubt, so far as it can be collected. But I was going to put it in this way, and it is well to look at it in this way, because we need not go into a lengthened argument upon it. I am led to think from this Act that the Gold Duty is in the nature of a royalty, notwithstanding that it is styled in the Act a customs duty. I suppose it will be admitted on all hands that all the gold in the soil is the property of the Crown.

Mr. Verdon.—Nominally. The right of the Crown is not abandoned, but it is waived.

The Hon. Mr. Sladen.—I should like to ask for the Mining Statute of last session.

Mr. Verdon.—We admit that.

The Hon. Mr. Sladen.—Very well. I see it is admitted in our statute law that the gold in the soil is the property of the Queen. I believe it is a rule of law—at least, that is my impression—I speak under correction if I am wrong—but it is my impression that the Crown cannot divest itself of property by implication; that it can only divest itself by some actual deed or document, or by some Act of Parliament.

Mr. Verdon.—May it not waive its right to exercise its right?

The Hon. Mr. Sladen.—No, I think not. I think there is no power by implication.

Mr. Bindon.—No constructive clause?

The Hon. Mr. Sladen.—There can be none, particularly of a royal metal. If the Queen wanted to divest herself of it, it would be by special Act, by Act of Parliament, for I do not know whether an Order in Council would do. It would be by some deed. However, so far from that having been done, royalties are distinctly alluded to in the Constitution Act, and we have recognised royalties in our Statute Law, even up to the last Session; because the Mining Statute states distinctly, that a miner's right gives a person clear possession of everything that is in the ground, including the gold, against everybody else, except as against Her Majesty; and that gold so taken out never is the actual property of the person who takes it from the ground until he has paid that duty, or royalty, which the law requires, but which, from the peculiar circumstances of this colony, can only be collected at the

Custom House, for it so happens, that the only market for gold, that is, for the bulk of the gold which is produced in this colony, is the foreign market; therefore it is absolutely necessary that all the gold, except a small inappreciable portion which is set apart for manufacturing purposes, and other very small purposes, and that is an accident which could prevent the duty from being collected from that particular part, should pass through the Custom House. But it was known at the time when this duty was imposed, that there was very great difficulty in collecting the revenue; and under those circumstances the most ready and most easy mode of collection was adopted—by taking it at the Custom House, through which 999 out of every 1000 ounces, and probably more, would pass, and therefore that duty is paid; but I cannot see that the Crown has ever divested itself of its property in the gold when that is paid. I admit the Crown does say—now it is the property of the person paying the duty.

Mr. Verdon.—Taking it as a royalty, the party whose property the gold was would thus be paying a duty once, and would be paying again if he wanted to export it.

The Hon. Mr. Sladen.—I call that one of the improbabilities, because no sane person would bring back bullion into a country where he knows there is a duty collected at the Custom House upon it.

Mr. G. P. Smith.—I want to allude to two points. You must be very well aware of the contents of the Act which originally imposed the gold duty, and also the contents of the Act which subsequently altered it; and you are aware, although the title of the first Act was, "An Act for granting duties of Customs upon Gold exported from Victoria," that title is also recited in the Act which repealed a portion of it. We have heard a great deal of not going outside the four corners of the Act, and I ask the Honorable Mr. Sladen, as a lawyer, to point out where in either of those Acts there is any reference whatsoever made to gold in the soil, or which permits him to refer to the fact of there being gold existing in Victoria, in interpreting the Act. It is "gold exported from Victoria;" there is no reference to gold in the soil; there is nothing within the four corners of the Act, or of the other Act to show there is an ounce of gold in the soil of Victoria. If the Act had gone on to say "all gold obtained in the soil of Victoria," it might then have been said there is a rent or royalty, but it is "all gold whatsoever." We have no right to go into the question of rents or royalties, or what is done at the Custom House or anywhere else; this is entirely a fiscal measure. No matter where the gold comes from, this Act might just as well have been passed, and it would have been perfectly good long before gold was discovered here at all. It does not recognise the gold discoveries in any way; and it is an assumption we have no business to go into. The Act would be perfectly valid if another ounce of gold were never got after to-day. And then there is another objection which is involved. There is the Honorable Mr. Sladen's further objection, that this is a fiscal measure, and that we are attempting to repeal a part of the territorial revenue in a fiscal measure. How was it originally imposed? and why was it imposed? If it were a rent or a royalty, why was it imposed? It was imposed as a customs duty upon gold exported from Victoria, no thanks to the Crown for fixing rent or royalty, it seems to have been settled by Act of Parliament. We are only simply reciting what is already before us, as existing in two Acts of Parliament, and asking that it should be repealed—that is, that this customs duty should exist no longer.

The Hon. Mr. Strachan.—That was under the old constitution.

Mr. Macgregor.—It appeared to me that, if we look at the whole course of legislation in reference to the gold export duty, or rather to the licence fee, which was the original consideration paid by the miners for being allowed to mine upon Crown lands, we might arrive at some conclusion upon the subject. Such a thing as a "royalty," or strictly speaking, a "rent," was never in force in Victoria. No royalty was ever demanded in this colony, nor was a rent either, previous to the introduction of the Act providing for registered mining leases. The licence fee, originally paid, was paid for being allowed to mine upon Crown lands, to mine for gold. These licences did not give any right whatever over the metal, and those licences were afterwards abandoned, in consequence of the difficulty of collecting the revenue. At the same time, it was considered oppressive on the miners, especially when it was found that they had to pay, whether they had gold or not. To do away with this injustice, the export duty, or a gold Act was passed, and the terms of that Act will put the matter beyond a doubt: "Because," it says in the preamble, "it is expedient to levy a duty of custom on gold exported from the colony." That is the preamble; and that Act was passed by the very fathers of the Constitution about which we are now in dispute. Reading the Act from beginning to end, it will appear to be considered properly as a customs duty, and nothing more. And to show it was so considered, it applied to all gold that was not coined in the United Kingdom, whether that gold was the produce of a foreign country, or where it was coined, it made no difference; it was exported from the colony, and was liable to pay duty; and this was the case until an Act was passed in the year 1857, by which Sydney sovereigns were exempted from the payment of the Customs duty, because previous to that they were liable to it. It is an Act to amend the law relating to the gold coin, and it provides that "The expression 'current coin of the realm' used in an Act of the Lieutenant-Governor and Legislative Council of this colony, passed in the eighteenth year of the reign of Her present Majesty intituled 'An Act for granting duties of Customs upon gold exported from Victoria' shall for the purposes of the said Act include certain gold coins called Australian sovereigns and half-sovereigns struck at the branch of Her Majesty's Royal Mint at Sydney in the colony of New South Wales." So that even to exempt the gold coin of New South Wales from the operation of the Export Duty Act it was necessary that the Act which I have just now referred to should be passed. Then, again, the same applied to gold not the produce of the colony. When the gold-fields of New Zealand broke out, a large quantity was sent here in exchange for goods, and it was considered very hard that that gold should have to pay an export duty; and an Act had to be passed by which gold not the produce of this country was to be exempt from the export duty. Now, it appears to me, after the whole course of the legislation on the subject, from the original Act itself, that the Acts that have been passed since affecting it show clearly it was considered by the Legislative Council, and in fact by this Parliament, as properly a customs duty, and in no other light; inasmuch as it did not apply originally to the gold raised from the soil of this colony, but applied to all gold and special Acts of the Legislature had to be passed for the purpose of exempting, when found expedient, gold either in its new state or in the state of bullion, from the operation of the original Act. Under these circumstances I cannot see how it can be contended that this is a royalty or rent. But putting that aside altogether, putting it in the most favorable way for the Legislative Council, it is a matter of opinion, and I would ask any honorable member here, or any reasonable man, whether, looking to the legislation affecting the export duty on gold, the Acts do provide for it as being a customs duty and not as being a rent? It was never considered as a rent or royalty, but, on the contrary, ever since the original Act passed, it has always been considered as a customs duty.

In the Act itself, in the subsequent Act, and in every piece of legislation affecting the question it has always been considered as an export duty, and I cannot see how we can go back and say now it is a royalty or rent; it appears to me this disposes of the objection of the Council to its being a tack by the inclusion of the abolition of the export duty on gold in the Tariff. It appears to me to be simply combining measures purely of an analogous nature. The schedule to the Bill now under consideration deals wholly with customs duties, and the export duty on gold having always been so considered, it has been very properly included. It is well known that the abolition of the gold duty was a boon given to certain classes of this colony in consideration of any injury or injustice that they might be supposed to suffer by the passing of the Tariff, in order that they should be protected; it was necessary to make it part of this one Act, just the same as any two gentlemen entering upon an agreement would include the considerations that there should be on each side. They do not make an agreement in which only the consideration on the other other side is contained, but all is effected by the one document. So here it is proposed to make certain alterations in the Tariff by which certain classes of the community may be affected, and in order that all should be dealt with similarly, the whole was proposed to be placed in one measure. I cannot see, with these reasons before me, why the honorable gentlemen opposite should maintain that this is a tack, or that it is anything else than what it has always been, since the year 1855—over ten years ago—when it was considered as purely a customs duty, and not regarded in any other light.

The Hon. Mr. Sladen.—I would ask the honorable gentleman whether it would not be necessary to make his argument sound, it would be so as it appears to me, that to show that at the time the first Act was passed for levying Customs duty, I think in 1855, the Legislature had the property in the gold handed over to them. It appears to me that it would be absolutely necessary, before the Legislature is in a position to deal with it as a subject of taxation, that the Queen should have handed it over to them. Now, by the despatch, I forget the exact date of it, but I think it is in 1851 or 1852, it will be seen that the Legislature was allowed the power of dealing with the gold with a view to raise a territorial revenue (I take it from the terms of the despatch) with the view of making a revenue from it, but the gold was never handed over to the country; it was stated that because there was a great expense caused to the country by the sudden rush, a revenue ought to be derived from the gold, that would to a certain extent meet the increased expenditure of the country caused by it. There was very great difficulty at the time the stewardship of the gold fields was handed over to the old Legislative Council, and I do not think the old Legislative Council, or the country represented by that Council, ever had such a property in the gold as would enable them to put a tax upon it as against the Queen, any more than the Legislature at the present time would put a tax on the Crown lands. Those are some of the reasons that led me to think that the customs duty, as named in that Bill, was not included in the ordinary acceptation of that term. I am aware that the members of the Gold Fields Commission had considerable difficulty in meeting the spirit of the terms, and the feelings of the people on the gold fields, and that they were very choice in the expressions they used; anything savoring of royalty, or that seemed to have a reference to licence fees, was an offensive subject to the diggers, and the collection of the licence fee was offensive to them in the way it had to be carried on. The Commissioners, therefore, thought they would avoid any terms which would cause a bitterness of feeling, and, I believe, with that view the royalty was exacted in the disguise of a duty of customs. It was simply an accident its being made a duty of customs, just from that mode of levying offering the greatest facility for collecting the royalty or rent, as it must all pass through that channel.

Mr. Macgregor.—It appears to me that Mr. Sladen's observations go to support my view; as whatever this duty was originally, it has so continued to be, though circumscribed to some extent by its being declared by subsequent legislation that it need not apply to certain articles of gold. The very same duty still exists, only at a reduced rate, and, therefore, it is not a royalty; the Legislative Council have no power to deal with the question as a question of royalty at all. It clearly remains now, as then, a duty of customs; and honorable gentlemen opposite to us as the representatives of the Legislative Council, have no voice in altering or otherwise dealing with that duty. I say that that duty of 1s. 6d. in the pound exists still, and is collected under this Act, although reduced by subsequent legislation. Therefore, I contend that having been originally a duty of Customs, it still continues to be so—that the royalty question has never been involved at all—that is a collateral matter as the Honorable Mr. Sladen has stated, which the Legislative Council could not interfere with. The second section of this statute carries out that view of it—for it says, "from and after the commencement of this Act, there shall be levied, collected, and paid to Her Majesty, her heirs and successors, for the public uses of the colony of Victoria, and in support of the Government thereof, a duty of Customs of 2s. 6d. on every ounce weight of gold previous to its being exported from Victoria, and so in any greater or less quantity than an ounce." I think the very second section of that Act shows the designation of it, and that it was really a duty under those circumstances, not being a royalty, as the Honorable Mr. Sladen admits. It remains, as it originally was, an export duty on gold.

The Hon. Mr. Campbell.—I think, in the interpretation of the Act, we should look a little to the intention of the Act. I maintain the intention was to substitute an export duty for a licence fee. It was done, as the Honorable Mr. Sladen has so well put it, to facilitate the mode of collection; and if anything was wanted, the references given by Mr. Macgregor, that is, to those exemptions with regard to New South Wales and New Zealand gold, those exemptions themselves show the intention of the Act to levy a duty upon the gold produced in the colony.

Mr. Macgregor.—That was the intention of subsequent legislation.

The Hon. Mr. Campbell.—Why exempt New Zealand or New South Wales gold—you have clearly proved it from your own statement—from those exemptions above; and it is a hypothetical case, that of Mr. McCulloch's, in regard to men importing sovereigns and melting them down for the sake of paying a duty. That is very improbable. I think we should look a little at the intention of the Act, more than at the dry legal phraseology.

Mr. Verdon.—We are not permitted that by the Constitution Act.

The Hon. Mr. Campbell.—We are met to settle our difficulties in an amicable spirit.

Mr. Macgregor.—The Honorable Mr. Campbell is referring, not to the intention of the Legislature of 1865, but to the Legislature who passed subsequent Acts. We have nothing to do with the intention of those who passed subsequent Acts. We must look at the intention of those who passed the first Act, in which there is nothing to show the intention of anything but what was expressed. But the intention of those who passed the subsequent Act was simply to do what they did.

The Hon. Mr. Campbell.—If you went a little further back, you would find a Commission was appointed, which went to the gold fields, and went over the question with great care; and at the

express wish of the diggers themselves, the gold export duty was substituted for the licence fee. On the equitable view, it is a revenue derived from Crown lands.

Mr. Vale.—There is one thing, going a little further back in point of time, in regard to this matter. In 1852, Sir John Pakington directed a despatch to the then Governor, Mr. La Trobe, the one, I presume, the Honorable Mr. Sladen referred to, 2nd June, 1862. In this despatch, one or two points, I think, are set at rest. The Honorable Mr. Sladen, I think, contends that this gold duty is distinctly part and parcel of the land revenue. I think he takes that position. In the course of this despatch, in clause 22, Sir John Pakington states:—"It will be for Her Majesty's Government to consider whether the authority to you to deal in this matter, under present circumstances, with the revenue derivable from gold, shall be confirmed in more formal manner by a Royal instruction; but I have not deemed it necessary at present to incur the delay which the preparation of such an instrument would involve." This is the first authority from the Home Government to deal with the matter of raising revenue from gold. Now, in the next paragraph, he states, "Her Majesty's Government further authorise generally the advice of your Executive Council, of the unappropriated moiety of the land fund to the purposes rendered urgent by the present crisis, as far as this can be done without absolute inconvenience to other departments of the public service;" thereby distinctly recognising any funds collected from the gold would form a distinct fund from the fund arising from the sale of Crown lands; otherwise one general authority would be sufficient.

The Hon. Mr. Sladen—I can give an answer to that immediately, because the unappropriated moiety of the Crown lands must be applied under the 5th and 6th Victoria Land Act.

Mr. Vale.—If this had been a part of the Land Act—

The Hon. Mr. Sladen.—It was not part of the Land Act.

Mr. Vale.—You were contending it was so.

The Hon. Mr. Sladen.—No; the Land Act merely authorises the sale of the surface, and it provides in what way the money shall be appropriated, and what (the unappropriated money) shall be at the disposal of the Executive.

Mr. Vale.—It also dealt with the squatting licences, from which a rent was derived.

The Hon. Mr. Sladen.—This is a land revenue—a territorial revenue.

Mr. Vale.—Where is the difference?

The Hon. Mr. Sladen.—This is a matter arising out of the land. The Land Sales Act only allowed the sale of the surface; but not to give power to mine or search for gold.

Mr. Vale.—You are contending the gold fund comes under this provision as a territorial revenue.

The Hon. Mr. Sladen.—No; not comes under. I say it is the property of the Sovereign; and until the Sovereign divests herself of it by some formal instrument, it cannot depart from her, and no formal instrument has ever been executed by which the Sovereign has waived the right to the gold. If Mr. Macgregor will refer to the second clause of the Imperial Statute, the 18th and 19th Victoria, chapter 55—the Enabling Statute—enabling Her Majesty to assent to our Constitution, he will see that at all events the British Parliament considered the gold was in the hands of the Sovereign. If he will refer to the second clause, the early part of it, he will see that it says—"The entire management and control of the waste lands belonging to the Crown, in the said colony of Victoria, and of the proceeds thereof, including all royalties, mines, and minerals, shall be vested in the Legislature of the said colony." If those "royalties, mines, and minerals" had previously left the possession of the Sovereign, it could not be dealt with in this Act in this way. This shows that up to that time, at all events, "royalties, mines, and minerals," arising out of the Crown lands of the colony, were vested in the Queen. By this Act, the management of that is handed over to the Legislature of this country. But even here it is not parted with, and we do not recognise it to be parted with, because in all our Statutes we really reserve to the Queen the property in all the gold.

Mr. Vale.—If we reserve to the Crown, we have no right to levy a royalty in her name.

The Hon. Mr. Sladen.—Here is the power—"The entire management and control of the waste lands belonging to the Crown in the said colony of Victoria, and of the proceeds thereof, including all royalties, mines, and minerals, shall be vested in the Legislature of the said colony."

Mr. Vale.—And in this same despatch that I was referring to, there is a paragraph which does virtually give over to the then existing Legislative Council the entire control of these matters. In the 21st clause it says—"The same object can be effected by Act of the Local Legislature, with the assent of Her Majesty, and you are authorized accordingly to assent (in your own discretion) to such Acts as the legislature may pass on the subject of the revenue derivable from the gold, without requiring the insertion of suspending clauses, unless where they appear to you with the advice of your Executive Council, to be necessary, but subject (of course) to the ultimate power of disallowance by the Crown." A virtual promise that the whole matter shall be dealt with. But going back to the other question whether this be a gold duty or a royalty, Sir John Pakington says, "It will therefore be for the Legislative Council to fix the amount of fee at which licences should from time to time be granted. It will be for them, in addition, to take into consideration the propriety of raising a revenue from the mineral produce of the colony, either by export duty on gold or by royalty; or in any other manner which their local experience may suggest." There is a distinct settling of the whole question conclusively that there are different things and means by which the gold can be dealt with; there is the export duty or fee and royalty. For it expressly says, "by export duty on gold, or by royalty, or in any other manner." Following that up, there is the proposition or Message from the Governor, Mr. La Trobe, "transmitting to the Council for its consideration the draft of 'A Bill for granting Duties of Customs upon Gold exported from the Colony of Victoria.'" They then preferred a duty in preference to a royalty, with the full fact of a royalty before them. In later years, when legislation was carried into effect, an export duty was adopted. They adopted, as Mr. McCulloch suggests, the very same course as in respect of all other duties. Now, after fourteen years, there is an endeavour to make this a royalty and to bring it within the range of certain privileges given to the old Council in reference to certain monetary transactions, that may arise out of the lands of the colony. That is not what is in the Statute. But going back to the fair beginnings of the question, I trust honorable members of the Legislative Council will look at this question for themselves, and give their own opinions, fairly and frankly, especially when we see that the first beginning of this matter came from the Home Government, in a despatch to Governor La Trobe, in which the two distinct issues of a gold duty or a royalty were presented to the Governor, and a further power given for "any other manner" of doing it. That shows distinctly, that it was "duty" and not a "royalty." It gives to the Legislative Assembly all control over what was decided to be a Custom House duty. Then, in reference to this duty, there is another matter—this duty entirely ceases with the enactment of the Bill we are now discussing. As it is under-

stood that the Conference is not to come to an absolute decision on any one point at present, but is to consider all points, with regard to concessions fairly in relation to the three points before us, if honorable members have not anything further to say on this matter, we might as well go on to the third point.

The Hon. Mr. Sladen.—The honorable member has not answered my proposition; but I may say this fairly on behalf of the Legislative Council—that if the gold duty were acknowledged by the Legislative Assembly and by the Government to have no connection at all with the territorial revenue—

Mr. Bindon.—Certainly.

The Hon. Mr. Sladen.—I am not quite so sure about that. I want to ask a question. The two law officers, the Attorney-General and Minister of Justice, both appear to me to have a different opinion, and one which seems rather to give this complexion to it—that the law officers of the Crown are under the impression that this is a rent or royalty; and if so, the two things are incongruous, and cannot be placed in the same Bill. But if the Legislative Council understood the Legislative Assembly were of one mind upon it—(there may be a large party who are inclined to think it is an ordinary duty, but a great many other gentlemen seem to take another view)—then there would not be so much difficulty in dealing with the matter. But so long as it is considered a part of the territorial revenue, I think Mr. Verdon will admit, and honorable members will admit, if it is to be considered as a matter of territorial revenue, it can have no place in a Bill of Supply.

Mr. Bindon.—That is our case.

Mr. Verdon.—I understand it is put in this way, if it were a portion of an ordinary rent—distinctly a rent from Crown lands—a royalty is a distinct matter—if it were a rent, it could not be included in a Bill of Supply. The law officers to whom Mr. Sladen has referred, I think, quoted *May* to show that according to the decision of the House of Commons in the case of the Australian Waste Lands Bill, the discussion depended upon whether or not the House of Lords had power to alter the Bill, inasmuch as it was then found that the rents would go into the colonial and not into the Imperial revenue. It was decided the House of Lords might alter the Bill. That was the argument of the law officers.

The Hon. Mr. Sladen.—That never did appear to me to affect the question; because we perfectly understand if it was a Bill for imposing a royalty, the Legislative Council would have no power to alter it. If it were a Bill for imposing a royalty, and that measure came before the House, under the fifty-sixth clause we should be precluded from altering it. But that does not appear to me to touch this point—that a measure dealing with territorial revenue is no part of a measure dealing with Supply. You could not put, for instance, any measure connected with the lands, or dealing with rents of land, into a Bill of Supply.

Mr. Verdon.—That may be conceded at once.

The Hon. Mr. Sladen.—In reference to the points alluded to in the House of Lords at home, it was merely argued that, as the money arising from the lands—which was the subject of the measure then before the House of Lords—did not go into the consolidated revenue, therefore the House of Lords might alter it. That does not appear to me to touch this point; you could not put that into a Supply Bill.

Mr. Verdon.—No; that is a tack, and I believe that would be the feeling of all our House.

The Hon. Mr. Fraser.—Shall we pass on to the next question?

The Conference adjourned.

The Conference resumed.

The Hon. Mr. Fraser.—We have now passed from the second point, that is, the repeal of the gold export duty. That has been discussed to a certain extent and left with the first point for further consideration. The next and last point is the Limitation Clause in the Bill before the Council, and honorable members will be kind enough to address themselves to this point at present. Then all the three points will be left open for consideration. The objection to the clause, made by the Council, is, that it is limited to a certain time without any provision, at the expiration of this limitation, for any supply whatever. The Council objects to that clause altogether. I trust that on both sides we shall look at the question properly, and that honorable members, especially from the Assembly, will concede that point.

Mr. McCulloch.—I suppose you object to it, because it is a temporary measure?

The Hon. Mr. Fraser.—Exactly.

Mr. McCulloch.—At home it is quite common to pass such measures temporarily.

The Hon. Mr. Fraser.—We do not for a moment doubt that; but, at the same time, when a Bill which repeals a permanent measure is itself only a temporary one, the Council objects to it entirely.

Mr. McCulloch.—On the ground that no provision may be made at the end of the time?

The Hon. Mr. Fraser.—No provision is made to meet the contingencies that may arise at the expiration of the period.

Mr. Bindon.—That may imply a doubt as to our loyalty and desire to grant.

The Hon. Mr. Fraser.—Not the slightest; I should be very sorry to imply a doubt.

Mr. Bindon.—Do not you think that the members of the Legislative Assembly are not endowed with providence, to look before them, and see that the supplies are granted.

The Hon. Mr. Fraser.—I have refrained from saying in this conference anything to influence honorable members in one way or the other. I refrain now, and I leave honorable members of the Council to make any remark they like on the matter.

The Hon. Mr. Mitchell.—I do not suppose there is the slightest idea that, as far as the present House is concerned, such a thing would happen if the three years were to come to a termination now; but the possibility is what we must look at. I want to look only at the point of the public credit. If the Bill was passed with the three years' clause, at the end of the three years there would be no revenue at all so far as that particular branch is concerned; and the country would be in this position, that the Legislative Assembly of the day might send up any tariff they pleased, with any Bill or any clause involving the character of a Bill, not immediately relating to the subject, but relating to any other; and it might even happen to be to this effect:—Supposing, as has not unfrequently been before the public here, that we should have an income tax, and not only that, but a tax upon absentees. Supposing the Assembly of the day should conceive that there could not be a better tax upon absentees than taking from the interest of our debt, as purchased by our creditors, ten or twenty per cent., that Bill would be sent up to our House, and we would be obliged to accept it, or go without revenue altogether. Now the very possibility of such a power existing, is not only sufficient to damage the value of our securities, but to prevent any sane man from ever buying another, and I do not think any one would ever dream of investing in our country when such a law could be possibly passed. I am quite sure that people living at a distance would believe that such a thing could be done, because we

have already an unenviable character (whether we deserve it is another question), but if that law was passed, I feel certain in my own mind that no sane person away from the colony would invest in our securities at all. And I would ask gentlemen to consider this question as one not affecting the dignity of the Council at all, but as to the welfare of the colony. I would ask Mr. Verdon particularly to give attention to this, whether the question I now put would not affect the market in England if this Bill were now to pass?

Mr. Verdon.—I am very sorry to hear Mr. Mitchell say that we do not stand well in the London market, because, if we stand ill, it cannot be attributed to any disregard on our part of our obligations. There has never been any difficulty in obtaining in England payment of any part of our obligations, and however democratic this country may be or may become, I do not believe that any one can say that the Government has neglected or refused to pay a public debt. I believe that is not only the opinion here, but also that it is the opinion of the English capitalists; and I say so because our securities have always commanded a high price, whatever the circumstances at the time may have been, and therefore I do not think any one is entitled to say that the colony has any bad reputation at present in England. But even supposing this clause is retained in the Bill, as Mr. Mitchell knows well, the whole consolidated revenue of the country is liable for the special appropriations: and if there were no Customs duties at all there would be still sufficient to pay the interest, and therefore the suggestions that an amount should be deducted from the interest payable to holders of particular debentures is, I think, an idea somewhat far-fetched.

The Hon. Mr. Mitchell.—It is so.

Mr. Verdon.—I speak for all the members of the Legislative Assembly who are present, and I am sure for all who are absent, that they would not entertain such an idea. I cannot suppose for a moment that any Legislative Assembly possible to be elected under our Constitution, would be so wicked or so foolish as to propose to take the interest, or a portion of the interest, on our debentures, due to particular holders. Then going on, on behalf of the Attorney General, I may state, in a very few words, the reason why this three years' clause was included. I dare say all honorable members present will know that the question has for a long time been discussed as to the power of the Governor to assent to a Customs Bill without reserving it for Her Majesty's assent—that is, as a permanent measure. For many years it has been the custom of the country that all permanent measures must be reserved for Her Majesty's assent, and only recently an opinion has arrived in this colony, quoting the opinion of Sir Fitzroy Kelly, that it was not necessary to reserve them. It is only fair to say that he puts the case in a somewhat different light from what it has been previously, and I understand that Mr. Fellows has altered his opinion—that whereas he formerly thought they need not be reserved, he now thinks they should be so. I am bound to say, for the Attorney General, that he still thinks (this is his opinion as a lawyer irrespective of matters of policy) that it may be necessary to reserve such Bills for Her Majesty's assent, giving as his reason that the case stated for South Australia differs very much from the case stated for Victoria, the Constitutions being very different; thus leaving room for doubts as to whether Sir Fitzroy Kelly's case for South Australia applies to Victoria. For this reason it was made a temporary measure; that was the primary reason, and I think it is only due to the law officers to state this. On this subject I may quote the opinion of Mr. Fellows. On the 29th of April, 1862, he said—following Mr. Mitchell—“He did not ask to alter the Bill, but only that, at the end of two years, if the Bill had not worked well, the House would be able to retrace its steps. In his opinion, almost every law should be made temporary. Was not the course he proposed, in fact, giving the people all they asked, only saying at the same time ‘we do this for an experiment.’” This is on the Gold Export Duty Act Amendment Bill, quite a Bill of the nature we are now discussing. “‘We do this for an experiment.’ To do otherwise would be for the House to tie up its own hands, for was it likely that the other House would act as leniently when laws for taxing property came under consideration.” Now, it appears from that, that Mr. Fellows, at all events, is of opinion that there is nothing improper or impolitic in making a Customs Bill a temporary measure; and if we go to England for precedents, I think it will be found that there are several cases in which Customs Bills have been made temporary measures. I find that the Act for the imposition of duties on tea and various other articles, 25 Viet., c. 22, was made a temporary measure, and I know that many other cases may be found. It was the rule rather than the exception, as every one knows who has read constitutional history; so that if we go to the English precedent, or if we desire to know what colonial opinion is, we have, on the one hand, the English authorities, and we have the opinion of Mr. Fellows as to the expediency of making these bills temporary. I think it is scarcely just to the people of this Colony to assume that, at the end of three years they would elect a Legislative Assembly capable of disregarding the interests of the Colony, to carry a particular set of notions. I am quite sure they never would, and I think it is expressing distrust of the people of the Colony, that we ought to be chary of expressing, to say that at the end of three years they may not make provision for covering all their liabilities.

The Hon. Mr. Strachan.—I think the honorable member has overlooked the question. That those were temporary measures there can be no doubt; but can he bring forward an instance in which the whole fiscal policy of the country has been brought forward as a temporary measure?

Mr. Verdon.—It was found necessary to put all these duties into one bill, because very grave doubts exist whether the old Customs duties can be legally levied, because of omissions by former Governments in not sending home the Acts for the Royal Assent; and it was the opinion of the law officers that it was possible for the merchants, if they thought fit—of course it is to be hoped they would not do it, but they could if they chose—to recover something like £13,000,000 of money, the whole amount having been levied illegally; and I think it is only due to my learned colleagues (and they desired) that I should mention this.

The Hon. Mr. Strachan.—I am quite prepared to bow to the opinion of the legal gentlemen on points of law. I look upon the question as one of mere common sense, for the Customs duties to be fixed; and that being arrived at, I cannot see why these additional duties, such as are referred to—the tea and sugar duties—might not be sent up and limited. Our whole tariff has been in existence for ten years and more. I do not see why it should be altered; but if the colony requires additional taxation, and the new Tariff be brought up to the House, I would then say, as an experiment, I think it would be quite fair—the limiting of the time would be only fair; because, as I have explained, I should not object to that. But what I object to in this Bill—the new Tariff—is its being connected with the old one, and limiting the time deprives us of a Tariff at all. I am not going to impute the slightest motives to any members of the Assembly that they will not—or that the country will not—bring forward the new Tariff; but I ask, “Why limit it?” And, if I may so state, the members of our House are quite prepared to take the new Tariff for twelve months; that is ten times worse than three years in my opinion. If honorable members are sincere with regard to protection in this country, they

may bring in a protective policy in three ways if they like, but I certainly would never give up the point which I have ever held, that we should not deprive ourselves of the Tariff already existing. If the Assembly are prepared merely to experiment upon the new Tariff, limit it to any time you like, but I shall never give up the view I hold with regard to the present Tariff. If they wish to experiment on the new one, they may have it for any time they like, but I will never give up the right of voting for doing away with a Tariff that is existing permanently.

Mr. Vale.—I think the Honorable Mr. Mitchell will have a difficulty in bringing any case in which any party has indicated a desire to reduce the rate of interest, by putting such a tax on. It would be nothing more than virtual robbery. I think it is unfair to make such a statement as a possible opinion. I think the real reason has been to bring the matter within the reach of the country to legislate upon.

The Hon. Mr. Mitchell.—I would only say a few words in explanation; but I would ask any gentleman opposite what he would do if he were investing money for any one else. Would he not look into the security thoroughly—especially if it was at a distance? And if it was possible (I have never said “probable”)—if such a thing were possible, would it not lower the character of our securities?

Mr. Verdon.—It is possible now.

The Hon. Mr. Mitchell.—With this difference: that they would have the security of the Upper House now, which they believe would not consent to any measure that might be brought forward that would injure the credit of the country. But the public in other countries would not have the same belief.

Mr. McCulloch.—This all looks as if it were a sort of reflection upon the members of the Legislative Assembly.

The Hon. Mr. Mitchell.—Not at all.

Mr. McCulloch.—It throws a doubt upon the members who may follow us.

The Hon. Mr. Mitchell.—It does throw a doubt, and I mean to throw a doubt.

Mr. McCulloch.—I understand Mr. Strachan's suggestion is, that the tea, sugar, and spirits duty should be a perpetual one—is that it?

The Hon. Mr. Strachan.—Yes.

Mr. McCulloch.—And the newly-imposed duties should be put on for three years?

The Hon. Mr. Mitchell.—Do you mean, collect both?

The Hon. Mr. Fraser.—You cannot do that, if the Bill repeals.

The Hon. Mr. Campbell.—In the event of returning to the old tariff, you would have a higher rate of duty than under the new one. You could not have two rates.

Mr. McCulloch.—I think it is objectionable to have one portion of the tariff falling at one time, and one at another.

The Hon. Mr. Campbell.—With regard to the limitation of the Act, I think if we look at the history of the legislation of the last twelve months here, and see the difficulty there has been in procuring any alteration of the law, at the end of three years the same difficulty might be experienced, and so we should be left without a tariff at all. I do not want to throw any reflections upon any Government, but that contingency stares me in the face, and I think we ought not to run any unnecessary risk.

The Hon. Mr. Mitchell.—There cannot be any question of policy when we are willing to accept this as a permanent measure.

The Hon. Mr. Fraser.—Looking at this as a common sense matter, supposing the day of the year had arrived to-morrow morning, and there was no provision made for any Bill of Supply, would it not necessitate the fact that the old Bill must come into operation?

Mr. McCulloch.—No.

The Hon. Mr. Fraser.—I say in my opinion it would do so.

Mr. McCulloch.—No.

The Hon. Mr. Fraser.—Certainly, it implies it, but what have you to fall back upon?

Mr. Vale.—There is no necessity to have Custom House duties at all.

Mr. Verdon.—I cannot think it would be fair to allow the impression to prevail that at the end of the year, if no provision were made, the old duties would revive; because, I have no hesitation in saying it would not be so, because in case the statute contained a clause repealing the old duties, the repeal is absolute.

Mr. Vale.—The Honorable Mr. Mitchell's remarks, as to the absentee holders I think would have some force, if our only revenue arose from the Custom House, whereas we have over £2,000,000 of money from other sources.

The Hon. Mr. Mitchell.—Allow me to explain. What I said was this: That the public creditor would be in this position, that he might be treated as a person deriving an income from this country, upon whose income a tax should be imposed; and the Legislative Assembly of this country of the day might impose a tax of say 20 per cent. upon that income, and the Legislative Council would be perfectly powerless to help him.

Mr. Verdon.—I understand you to apply that merely to absentees.

The Hon. Mr. Mitchell.—The whole.

Mr. Verdon.—Does Mr. Mitchell mean to say that the Legislative Assembly might pass a resolution to reduce the rate of interest to foreign bondholders?

The Hon. Mr. Mitchell.—I only want to open the eyes of honorable members to the contingency.

Mr. Verdon.—In answering the question to his own mind—following up the process—he would naturally ask himself, “Is it probable?” A great many things are possible; but is it reasonable to suppose that British subjects resident in Australia, who have not shown themselves heretofore to be in the least degree regardless of their financial obligations, will deliberately go to work by a miserable pretext and evasion to reduce the interest payable upon the public debt.

The Hon. Mr. Mitchell.—We have seen, in another country, men of an Anglo-Saxon race, repudiating their debts altogether.

Mr. Verdon.—I hope we shall never see that here.

The Hon. Mr. Mitchell.—But there is the contingency.

Mr. Verdon.—There is just as much likelihood of that contingency now, following out the case of Pennsylvania, because the whole legislature of the country agreed; and following out that illustration presumes that the Upper House would have to consent.

The Hon. Mr. Mitchell.—They would have here only to get the consent of one; there they had two to get.

Mr. Verdon.—That is not clearly shown, because it is not shown that the payment of the interest is dependent entirely upon the customs duties.

The Hon. Mr. Mitchell.—It is not the interest; it is the imposition of a tax, and the fact that it is a possibility; and any possibility decreases the value of your securities. Why do it?

Mr. Verdon.—Are we to legislate against all possibilities?

The Hon. Mr. Mitchell.—As far as you can, no doubt.

The Hon. Mr. Campbell.—I think the case is strong enough without such a case as Mr. Mitchell supposes.

The Hon. Mr. Fraser.—Gentlemen, seeing that this is only proposed to be made a temporary measure, will it not be as well, considering that there will be three sessions of Parliament during its existence, and considering that perhaps the present Ministry may not be in office—there may be two or three in office before then, the expiration of the three years—would it not be as well to make this a permanent measure, seeing that it can be repealed or altered, perhaps three times before the expiration of the three years?

Mr. Verdon.—It might be argued on the other side, following Mr. Mitchell's illustration, that it might be found very difficult to pass a Bill, altering the fiscal measures, through the Council. You are afraid of the Assembly, and some people are afraid of the Council.

Mr. Bindon.—A remark fell from Mr. Mitchell. I do not think that the Upper House have a right to assume that they are the guardians of the public interest more than the Lower House.

The Hon. Mr. Fraser.—They do not.

Mr. McCulloch.—Jointly.

The Hon. Mr. Fraser.—Jointly.

The Hon. Mr. Mitchell.—I only put it as a possibility that may present itself to the mind of any person buying our debentures, and as long as that is the case, it would decrease the value of our securities.

Mr. Bindon.—I do not think there is a person in London disposed to buy our debentures who would look at the clause. He would buy it on the public credit of the country—if we keep our engagements, and so on—he would never look at that clause of the Tariff.

The Hon. Mr. Bear.—I quite disagree with you, Mr. Bindon. I have had experience in London in the last few years myself, and they are better posted up in colonial matters than you are aware of.

The Hon. Mr. Mitchell.—I ask members on the other side whether it is a clause worth discussion.

Mr. Verdon.—Every clause of a Bill which has been before the country, and which we are sent in to carry, if we can, becomes of great importance.

The Hon. Mr. Fraser.—Cannot we arrive at a decision upon the point? Will not honorable members of the Legislative Assembly strike out this clause?

Mr. Vale.—If we strike it out, will not honorable members of the Legislative Council agree to the preamble?

The Hon. Mr. Fraser.—That is not wise, because it is deferred to another occasion; but would it not be well if we could come to some conclusion?

Mr. Vale.—We seem to have arrived at some conclusion about the gold duty. It seems we stand pretty firm against one another upon this clause. Cannot we return to the preamble?

The Hon. Mr. Mitchell.—No.

The Hon. Mr. Sladen.—Put the gold duty against the concession of that clause.

Mr. Verdon.—I understand there is nothing in the concession about the gold duty.

The Hon. Mr. Strachan.—I am still quite of my former opinion. There is no answer to the position I put to Mr. Macgregor.

Mr. McCulloch.—Have you considered anything about the preamble since the adjournment?

The Hon. Mr. Mitchell.—The feeling of our House is so strong, that we would like to see other members upon the matter.

Mr. Byrne.—While I was with you in wishing that the preamble should be settled without going into the matter, I gave way to honorable members that we should go on and discuss the second and the third. Now, having done so, I fancy the fair way is to return to the first, and see what we can decide upon that.

Mr. McCulloch.—Is the question conceded as to the gold duty being passed in the same Bill?

The Hon. Mr. Sladen.—It is conceded; but I have written out what passed with reference to it, because I think that in giving up that gold duty it is desirable (as I understand it will be done in good faith—that is matter of course) that in the report of the proceedings of this committee to the Assembly some notice will be taken of the grounds upon which it is put. I have written out a memorandum which appears to me to state distinctly the grounds upon which we give that point up. "The Committee of the Legislative Council no longer insist upon their objections to the inclusion of the repeal of the gold duty in the Bill of Supply, upon the assurance of the committee of the Legislative Assembly that it was inserted in the Bill as a tax, and not as territorial revenue, and upon their disclaimer of any intention on the part of the Assembly of tacking it with the view of coercing the Council to pass it."

The Hon. Mr. Fraser.—Then that question is disposed of.

Mr. Vale.—The best proof of that is, that the gold duty was passed against the Government in the first instance.

The Hon. Mr. Campbell.—I think there are still strong objections to the gold duty being tacked to the Tariff. I think the Council should have an opportunity of discussing the measure.

Mr. Verdon.—May I be permitted to say that, if it be conceded that by common consent we regard it as a tax—

The Hon. Mr. Campbell.—I admit that takes away a great part of the objection.

Mr. Verdon.—Having done that, it would be just as reasonable to say, "We will discuss the duty on watches or soft goods"—as the gold duty. Unquestionably we should regard it as a tack to join to a Bill of Supply a territorial revenue. We never considered the gold duty a matter of territorial revenue; and if we did, we should not be justified in putting it where it is, and we would not do it.

Mr. McCulloch.—Then that is a point understood. Now, as this Conference has taken place with a view to settle this, and having fully discussed this, and thinking we have fully stated the grounds for maintaining the last clause of the Bill, I think the Assembly will give way upon this, the Council having given way upon the other.

The Hon. Mr. Bear.—Is it understood that the last clause is expunged altogether?

Mr. McCulloch.—Yes: we get rid of it altogether.

The Hon. Mr. Fraser.—I think now, before we come to the first point, that if it is not objected to by this Conference, it would be well if members of the Council and members of the Assembly were allowed to retire for a quarter of an hour.

Adjourned.

The Conference resumed.

The Hon. Mr. Fraser.—Gentlemen, we have gone into this matter as far as we could, but we wish to know distinctly, whether you are prepared or decline to make any change in the words in the fifth line, "resolve that a supply be granted." That seems to be the only point between us.

Mr. McCulloch.—What is the objection?

The Hon. Mr. Mitchell.—We do not wish to answer that: it raises the whole question.

Mr. Verdon.—It is only the fifth line.

The Hon. Mr. Fraser.—It is only those three words. That was agreed to by Mr. Bindon.

Mr. Bindon.—Merely suggested by me.

Mr. Verdon.—That is on the understanding, that the former part stands?

The Hon. Mr. Mitchell.—Of course, we do not wish to take any advantage.

Mr. McCulloch.—If you strike out those words, you must strike out all the rest.

The Hon. Mr. Mitchell.—Alter them.

Mr. Verdon.—Will you tell us frankly what you want?

The Hon. Mr. Mitchell.—We want something that will embody Mr. Sladen's amendment: "resolve that a supply be granted" are the words that we imagine would be unpleasant to the House we represent.

Mr. Macgregor.—"Resolved that there should be granted"?

The Hon. Mr. Mitchell.—No.

Mr. Vale.—How will it do to take out the words "resolve that" and put in "pass a resolution"? That is admittedly our act, and the finishing by the two votes is in the last part of the clause.

The Hon. Mr. Bear.—Passing a resolution is resolving.

Mr. G. P. Smith.—No, we discussed that. "Agreed by resolution, that a supply be granted."

Mr. Verdon.—Then your agreement is left to be given to make the grant complete. That is merely stating the fact in a less offensive form. We have agreed upon our part, and leave room for you.

Mr. Bindon.—You freely and voluntarily agreed to the resolution.

Mr. Verdon.—No, no; "agree" instead of "resolve"—that leaves the resolution to be completed by your consent; and then I say—in frankness of course—that the next "so granted" would have to be altered. I understand that the Committee from the Council consider that the word "resolve" implies (if it does not state it absolutely) a completion, so to speak, of the grant, and that that is offensive to the Upper House. I understand that is the principal objection. If the word "agree" were given, it would be merely that the Legislative Assembly has agreed that the grant shall be made, and they wait for the agreement of the Council.

The Hon. Mr. Sladen.—What do you put in the next line?

Mr. Verdon.—Just say "such supply," or "the same," so as to knock out "so granted."

The Hon. Mr. Sladen.—How do you put in the next line, "We did on the 11th April?"

Mr. Verdon.—Substitute "agree" for "resolve."

The Hon. Mr. Sladen.—That puts it, I must say, in a very different position.

Mr. Verdon.—It takes away from the conclusive character of the word "resolve." I do not think our House will object to that.

Mr. Bindon.—I do not think so. I do not see any difference.

The Hon. Mr. Mitchell.—Never mind about the difference.

The Hon. Mr. Sladen.—"Fully and voluntarily agree that a supply be granted to Your Majesty, and whereas towards raising"—

Mr. McCulloch.—"Raising such supply."

The Hon. Mr. Sladen.—"Agree that the several duties hereinafter mentioned"—would you put "should" for "shall"?

Mr. Verdon.—No; it is only in the future.

The Hon. Mr. Mitchell.—That is merely grammatical.

Mr. Verdon.—Omit the word altogether—that would be correct—and say "be."

The Hon. Mr. Sladen.—I must say that puts a very different construction upon it, to my mind.

The Hon. Mr. Campbell.—I do not see any difference between the word "agree" and "resolve" myself. I think the word "propose" would be much better.

Mr. Verdon.—No; that will not do.

Mr. Bindon.—We did a great deal more than propose.

Mr. Verdon.—The word "resolve" implies finality—the word "agree" does not. I propose, now, with your leave to withdraw, and consult my colleagues.—[*Mr. Verdon withdrew for a short time, and on his return read the Preamble, amended as follows*]—"Most Gracious Sovereign: Whereas we, Your Majesty's most dutiful and loyal subjects, the Legislative Assembly of Victoria in Parliament assembled did on the 11th of April, 1866, freely and voluntarily vote that a supply be granted to Your Majesty; and whereas towards raising such supply we did on the 11th of April aforesaid vote that the several duties hereinafter mentioned be charged"—leaving out the word "shall."

The Hon. Mr. Fraser.—We agree to that.

Mr. Verdon.—We agree to it.

Mr. McCulloch.—Is it understood that all the points are disposed of.

The Hon. Mr. Fraser.—Yes.

Mr. McCulloch.—There is no objection it should come out—be known publicly?

Mr. Vale.—Any of us may mention it outside.

The Hon. Mr. Fraser.—No.

Mr. Verdon.—Of course it is subject to our Houses.

The Hon. Mr. Bear.—Let us have some minute made.

Mr. McCulloch.—Of course. It is all taken down in shorthand.

Mr. Verdon.—We have agreed about the last clause, and you have agreed to give up the objection about the gold duty, subject to the insertion of a minute upon the records.

The Hon. Mr. Sladen.—Yes, that which I read is to form a part of the report.

Mr. Verdon.—Yes.

Mr. McCulloch.—Then on Tuesday you will have to move the discharge of the Bill from the paper, and send a message to us informing us of what you have done, and your reasons, being what we have done now.

Mr. Bindon.—Then they may amend the Bill.

The Hon. Mr. Highett.—We cannot amend the Bill—we have not the power.

Mr. Bindon.—Shall the message sent to us be in the words of the report we mutually agree upon.

The Hon. Mr. Mitchell.—At the meeting on Tuesday we can arrange all that.

The Hon. Mr. Bear.—It is not customary for the House that lays aside a Bill to send a Message to the other House.

Mr. McCulloch.—It is to be discharged.

The Hon. Mr. Fraser.—Allow me to express my feelings of thanks to every member of this Conference for the amicable and kind manner in which this matter has been discussed upon its different points, and I thank you for the manner in which you have conducted the business.

Mr. McCulloch.—I quite concur in the sentiments of the Honorable Mr. Fraser, and I think a debt of gratitude is due to him for his attempt to get this matter settled. I hope it will be satisfactory to both Houses. When I say Mr. Fraser, I mean to include with him those members of the Legislative Council who have seconded his efforts.

The Hon. Mr. Sladen.—May we express a hope that the future relations of the two Houses will be of this amicable nature?

Adjourned.

234

BILLS INCIDENTALLY INVOLVING IMPOSTS, ETC.

EXTRACTED FROM THE MINUTES.

TUESDAY, 9TH APRIL, 1867.

BILLS INCIDENTALLY INVOLVING IMPOSTS.—The Honorable R. S. Anderson, in the absence and on behalf of the Honorable C. Sladen, moved, in accordance with notice, That seven members of this Council be appointed to meet and confer with a like number of members of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any duty, rate, tax, rent, return, or impost, and particularly with the Bill intituled "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties.*"

Debate ensued.

Question—put and passed.

The Honorable R. S. Anderson moved, in accordance with contingent notice, given by the Honorable C. Sladen, That the following members be the members of the Committee, viz.:—The Honorables T. T. a'Beckett, R. S. Anderson, G. W. Cole, T. H. Fellows, A. Fraser, H. M. Murphy, and the Honorable C. Sladen.

Question—put and passed.

The Honorable R. S. Anderson moved, That the Committee have power to sit on days on which the Council do not sit.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council have appointed seven Members to meet and confer with a like number of Members of the Legislative Assembly, in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any duty, rate, tax, rent, return, or impost, and particularly with the Bill intituled, "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties;*" and further to acquaint them that the Council have empowered the Committee to sit on days on which the Council do not sit.

THURSDAY, 11TH APRIL.

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

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that the Legislative Assembly have appointed a Committee of seven Members to meet and confer with the Committee of the Legislative Council in relation to the course of proceeding generally with Bills for imposing any duty, rate, tax, rent, return, or impost, and particularly with the Bill intituled, "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties;*" and the Legislative Assembly further acquaint the Legislative Council that they have empowered the said Committee to meet on days on which the Legislative Assembly do not sit.

Legislative Assembly Chamber,
Melbourne, 11th April, 1867.

FRANS. MURPHY,
Speaker.

WEDNESDAY, 15TH MAY, 1867.

BILLS INCIDENTALLY INVOLVING IMPOSTS, ETC.—PROGRESS REPORT OF COMMITTEE TO CONFER.—The Honorable C. Sladen brought up a Progress Report from the Committee appointed on the 9th ultimo to meet and confer with a like number of members of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any duty, rate, tax, rent, return, or impost, and particularly with the Bill intituled, "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties.*"

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

The Committee appointed by your Honorable House to confer with a like number of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any rate, tax, rent, return, or impost, and particularly with a Bill intituled, "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties,*" have the honor to report as follows:—

Your Committee conferred on several occasions with the Committee of the Legislative Assembly on the said subjects, and it was mutually agreed by the two Committees that a Progress Report should be presented to each House, as follows:—

That the two Houses be respectively advised, that, inasmuch as doubts have arisen respecting the form or contents of and practice relating to Bills required by the 56th section of the Constitution Act to originate in the Legislative Assembly, it is expedient that the practice of the Lords and Commons respectively be observed as to such Bills and as to all subjects of Aid and Supply, and that each House should be guided in all matters and forms relating thereto by the precedents established by the House of Lords and by the House of Commons respectively.

TUESDAY, 21ST MAY, 1867.

SUPPLY BILLS AND BILLS INCIDENTALLY INVOLVING IMPOSTS, ETC.—CONSIDERATION OF PROGRESS REPORT OF COMMITTEE TO CONFER.—The Honorable C. Sladen, in accordance with notice, moved, That, inasmuch as doubts have arisen respecting the form or contents of and practice relating to Bills required by the 56th section of the Constitution Act to originate in the Legislative Assembly, it is expedient that the practice of the Lords and Commons respectively be observed as to such Bills and as to all subjects of Aid and Supply, and that each House should be guided in all matters and forms relating thereto by the precedents established by the House of Lords and by the House of Commons respectively.

Debate ensued.

Question—put and passed.

WEDNESDAY, 22ND MAY, 1867.

CUSTOMS DUTIES BILL.—The Order of the Day for the third reading of this Bill being called on, the Honorable G. W. Cole moved, That the Bill be now read a third time.

The President said—

I desire to make one observation before I put this motion to the Council.

The disability of this House to amend Money Bills seems to be admitted on all sides; and yet, in the face of this disability, the Council is now invited to do a wrong thing—namely, to make amendments to a Money Bill, in order to set others right, but without any assurance that the wrong thing will be approved by the Assembly, or that it will lead to a settlement of the question.

I need scarcely point out that two other courses, not liable to the same objection of illegality, are open to the Council.

The first and most obvious course is to reject the Bill. Two other Bills might then be introduced, without delay, in the Assembly, and rapidly passed through both Houses. The resolutions (the only debatable matter) on which the first was founded would stand good for the others, and would not have to be repeated.

The second course is to pass the Bill without amendment. The exigency of the case, being great, would justify the proceeding—especially as, by the adoption of the report of the conferring committees by both Houses, when embodied in a Joint Standing Order, a sufficient guarantee would be afforded against any recurrence of unparliamentary practice; or, if necessary, an entry might be made in the journals of the special circumstances under which the Bill was passed.

Debate ensued.

The President reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported.

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

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

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

Question—put and passed.

The Honorable T. H. Fellows moved, 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.

TUESDAY, 28TH MAY, 1867.

BILLS INCIDENTALLY INVOLVING IMPOSTS, ETC.—COMMITTEE TO CONFER.—The Honorable R. S. Anderson, with leave of the Council, moved, without notice, That the Committee appointed to confer with a like number of members of the Legislative Assembly have power to sit during the adjournment of the House.
Question—put and passed.

TUESDAY, 4TH JUNE, 1867.

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

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have referred the Message of the Legislative Council, returning the Customs Duties Bill, with amendments, to the Committee of the Legislative Assembly appointed to confer with the Committee of the Legislative Council on this Bill.

Legislative Assembly Chamber,
Melbourne, 4th June, 1867.

FRANS. MURPHY,
Speaker.

BILLS INCIDENTALLY INVOLVING TAXATION, ETC.—The Honorable G. W. Cole, with leave of the Council, moved, without notice, that the Committee appointed to confer with a like number of Members of the Legislative Assembly have power to sit during any adjournments of the House.

Question—put and passed.

TUESDAY, 18TH JUNE, 1867.

BILLS INCIDENTALLY INVOLVING TAXATION, ETC.—The Honorable C. Sladen brought up a Report from the Committee appointed, on the 9th April, "to meet and confer with a like number of members of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any duty, rate, tax, rent, return, or impost, and particularly with the Bill intitled, '*An Act for granting to Her Majesty certain duties of Customs and for altering certain other Duties.*'"

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

The Committee appointed by your Honorable House "to confer with a like number of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any rate, tax, rent, return, or impost, and particularly with a Bill intitled '*An Act for granting to Her Majesty certain duties of Customs and for altering certain other Duties,*' have the honor to report as follows:—

Since making their Progress Report to your Honorable House on the 15th ultimo, your Committee have conferred, on the 5th, 6th, 11th, and 18th instant, with the Committee of the Legislative Assembly.

The Committees mutually agreed that it should be recommended that the object of the resolution contained in the said Progress Report should, if possible, be accomplished by means of a Joint Standing Order of both Houses, and that each House should cause the Standing Orders and Joint Standing Orders to be considered with a view to make them consistent with that resolution.

The Committee of the Legislative Assembly informed your Committee that they would recommend to the Legislative Assembly that the Bill be laid aside, and a new Bill be introduced, omitting the portion objected to by your Honorable House, with the exception of the fifteenth clause, which, after hearing the arguments of the Committee of the Legislative Assembly, your Committee are of opinion ought not to have been objected to.

CHARLES SLADEN.

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

Question—put and passed.

WEDNESDAY, 19TH JUNE, 1867.

BILLS INCIDENTALLY INVOLVING TAXATION, ETC.—The Order of the Day for the consideration of the Report of the Committee appointed to confer with a Committee of like number of Members of the Legislative Assembly being read, The Honorable C. Sladen moved, That this Report be adopted; and with a view of carrying out the recommendations contained therein, and in the Progress Report, the two Reports be referred to the Committee on Standing Orders.

Debate ensued.

Question—put and passed.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 30TH APRIL, 1867.

Present :

Legislative Council.
The Hon. C. Sladen
The Hon. T. T. a'Beckett
The Hon. G. W. Cole
The Hon. A. Fraser
The Hon. R. S. Anderson
The Hon. H. M. Murphy.

Legislative Assembly.
The Hon. J. McCulloch
The Hon. G. Verdon
The Hon. G. Higinbotham
The Hon. J. G. Francis
Mr. G. V. Smith
Mr. J. C. Riddell
Mr. J. T. Smith.

Committees conferred.

Conference adjourned until Thursdsy, at 1 p.m.

THURSDAY, 2ND MAY, 1867.

Present :

Legislative Council.
The Hon. C. Sladen
The Hon. T. T. a'Beckett
The Hon. R. S. Anderson
The Hon. G. W. Cole
The Hon. H. M. Murphy

Legislative Assembly.
Mr. G. V. Smith
The Hon. J. McCulloch
The Hon. G. Verdon
The Hon. J. G. Francis
The Hon. G. Higinbotham
Mr. J. T. Smith
Mr. J. C. Riddell.

Committees conferred.

Conference adjourned until Wednesday, 8th inst., at 2 p.m.

WEDNESDAY, 8TH MAY, 1867.

Present :

Legislative Council.
The Hon. A. Fraser
The Hon. R. S. Anderson
The Hon. C. Sladen
The Hon. H. M. Murphy
The Hon. G. W. Cole
The Hon. T. H. Fellows.

Legislative Assembly.
Mr. G. V. Smith
The Hon. J. McCulloch
The Hon. G. Higinbotham
The Hon. G. Verdon
The Hon. J. G. Francis
Mr. J. C. Riddell.

Committees conferred.

Conference adjourned until two o'clock on Tuesday.

TUESDAY, 14TH MAY, 1867.

Present :

Legislative Council.
The Hon. G. W. Cole
The Hon. C. Sladen
The Hon. R. S. Anderson
The Hon. A. Fraser
The Hon. H. M. Murphy
The Hon. T. H. Fellows.

Legislative Assembly.
The Hon. J. McCulloch
The Hon. G. Verdon
Mr. G. V. Smith
The Hon. J. G. Francis
Mr. J. C. Riddell
The Hon. G. Higinbotham

Committees conferred.

Conference adjourned until 2 p.m., on 15th instant.

WEDNESDAY, 15TH MAY, 1867.

Present :

Legislative Council.
The Hon. T. T. a'Beckett
The Hon. G. W. Cole
The Hon. A. Fraser
The Hon. H. M. Murphy
The Hon. T. H. Fellows
The Hon. R. S. Anderson
The Hon. C. Sladen.

Legislative Assembly.
The Hon. J. McCulloch
Mr. G. V. Smith
The Hon. G. Verdon
Mr. J. C. Riddell.

Committees conferred.

Progress Report agreed to be made to each House as follows:—

The Committee appointed by your Honorable House to confer with a like number of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any rate, tax, rent, return, or impost, and particularly with a Bill intituled, "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties,*" have the honor to report as follows:—

Your Committee conferred on several occasions with the Committee of the Legislative Assembly on the said subjects, and it was mutually agreed by the two Committees that a Progress Report should be presented to each House, as follows:—

That the two Houses be respectively advised, that, inasmuch as doubts have arisen respecting the form or contents of and practice relating to Bills required by the 56th section of the Constitution Act to originate in the Legislative Assembly, it is expedient that the practice of the Lords and Commons respectively be observed as to such Bills and as to all subjects of Aid and Supply, and that each House should be guided in all matters and forms relating thereto by the precedents established by the House of Lords and by the House of Commons respectively.

The Conference adjourned.

WEDNESDAY, 5TH JUNE, 1867.

Present:

<i>Legislative Council.</i>	|	<i>Legislative Assembly.</i>
The Hon. C. Sladen		The Hon. J. G. Francis
The Hon. G. W. Cole		The Hon. J. McCulloch
The Hon. A. Fraser		The Hon. G. Higinbotham
The Hon. R. S. Anderson		The Hon. G. Verdon
The Hon. H. M. Murphy		Mr. G. V. Smith
The Hon. T. T. a'Beckett		Mr. J. T. Smith
The Hon. T. H. Fellows.		Mr. J. C. Riddell.

The Message from the Legislative Council returning the Customs Duties Bill to the Legislative Assembly was read.

MR. SPEAKER—

The Legislative Council return to the Legislative Assembly the Bill intituled "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties,*" and acquaint the Legislative Assembly that they have agreed to the same with amendments, with which they desire the concurrence of the Legislative Assembly.

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 is 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 peculiar circumstances of the present case, they have abstained from pursuing that course for the reason already mentioned.

Legislative Council Chamber,
22nd May, 1867.

(Signed) J. F. PALMER,
President.

The Committees conferred.

It was determined by the Committee of the Legislative Council to report as follows, the draft being read to the Committee of the Legislative Assembly.

That the respective Committees of both Houses have agreed to consider the Bill as strictly a Bill of Aid and Supply, and not alterable by the Council.

The Committee of the Legislative Assembly inform the Committee of the Legislative Council that they will recommend to the Legislative Assembly that the present Bill be laid aside and a new Bill introduced, omitting the clauses objected to by the Council, with the exception of the fifteenth section, the objection to which the Committee of the Legislative Council inform the Committee of the Legislative Assembly they will recommend ought not to be insisted upon by the Council.

Conference adjourned till 3 p.m. on 6th instant.

THURSDAY, 6TH JUNE, 1867.

Present:

<i>Legislative Council.</i>	|	<i>Legislative Assembly.</i>
The Hon. C. Sladen		The Hon. J. McCulloch
The Hon. A. Fraser		The Hon. G. Higinbotham
The Hon. G. W. Cole		The Hon. G. Verdon
The Hon. H. M. Murphy		The Hon. J. G. Francis
The Hon. R. S. Anderson.		Mr. G. V. Smith
		Mr. J. T. Smith.

Agreed by the Committee of the Legislative Council that it be recommended that the resolution contained in the Progress Report agreed to on the 15th May, be embodied as a Joint Standing Order of both Houses, and that each House should cause the Standing Orders and Joint Standing Orders to be considered, in order that any necessary consequent changes may be made.

Conference adjourned till 3.30 on Tuesday, 11th instant.

TUESDAY, 11TH JUNE, 1867.

Present :

Legislative Council.
 The Hon. C. Sladen
 The Hon. G. W. Cole
 The Hon. R. S. Anderson
 The Hon. A. Fraser.

Legislative Assembly.
 The Hon. J. McCulloch
 The Hon. G. Verdon
 The Hon. J. G. Francis
 Mr. G. V. Smith.

Committees conferred.

Adjourned until Tuesday next, at 3·30.

TUESDAY, 18TH JUNE, 1867.

Present :

Legislative Council.
 The Hon. G. W. Cole
 The Hon. A. Fraser
 The Hon. R. S. Anderson
 The Hon. C. Sladen
 The Hon. T. H. Fellows
 The Hon. H. M. Murphy.

Legislative Assembly.
 Mr. J. T. Smith
 Mr. G. V. Smith
 The Hon. G. Higinbotham
 The Hon. J. G. Francis
 The Hon. G. Verdon
 The Hon. J. McCulloch.

Draft Reports read by each Committee.

Draft Report of Legislative Council read by the Honorable C. Sladen, as follows :—

The Committee appointed by your Honorable House “to confer with a like number of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any rate, tax, rent, return, or impost, and particularly with a Bill intituled ‘*An Act for granting to Her Majesty certain duties of Customs and for altering certain other Duties,*’” have the honor to report as follows :—

Since making their Progress Report to your Honorable House on the 15th ultimo, your Committee have conferred on the 5th, 6th, 11th, and 18th instant, with the Committee of the Legislative Assembly.

The Committees mutually agreed that it should be recommended that the object of the resolution contained in the said Progress Report should, if possible, be accomplished by means of a Joint Standing Order of both Houses, and that each House should cause the Standing Orders and Joint Standing Orders to be considered, with a view to make them consistent with that resolution.

The Committee of the Legislative Assembly informed your Committee that they would recommend to the Legislative Assembly that the Bill be laid aside, and a new Bill be introduced, omitting the portions objected to by your Honorable House, with the exception of the 15th clause, which, after hearing the arguments of the Committee of the Legislative Assembly, your Committee are of opinion ought not to have been objected to.

[The Report of the Committee appears in the Legislative Council Proceedings of 18th June, 1867.]

CONSOLIDATED REVENUE BILL (3)—CONFERENCE
ON PREAMBLE OF.

EXTRACTED FROM THE MINUTES.

TUESDAY, 3RD SEPTEMBER, 1867.

CONSOLIDATED REVENUE BILL (3).—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 W. Highett moved, That a Committee of 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 form of Preamble with reference to the Consolidated Revenue Bill before the House.

Debate ensued.

Council divided.

Contents, 19.

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

Not Contents, 9.

The Hon. J. McCrae
Jas. Henty
G. W. Cole
T. T. a'Beckett
S. G. Henty
N. Fitzgerald
A. Fraser
W. Degraives
W. H. Pettett (*Teller*).

The question was therefore passed.

The Honorable W. Highett moved, That the Committee consist of the following members, viz.:—The Honorable C. Sladen, W. Campbell, W. H. F. Mitchell, J. F. Strachan, J. P. Bear, T. H. Fellows, and the mover.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have appointed a Committee of seven members to meet and confer with a like number of Members of the Legislative Assembly to take into consideration the form of the Preamble of the Bill.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 4TH SEPTEMBER, 1867.

Members present:

Legislative Council.
 The Hon. W. H. F. Mitchell
 The Hon. C. Sladen
 The Hon. W. Highett
 The Hon. W. Campbell
 The Hon. J. F. Strachan
 The Hon. J. P. Bear
 The Hon. T. H. Fellows.

Legislative Assembly.
 The Hon. J. McCulloch
 The Hon. G. Higinbotham
 The Hon. G. Verdon
 The Hon. J. G. Francis
 Mr. J. T. Smith
 Mr. G. V. Smith
 Mr. J. C. Riddell.

The shorthand writer was present taking notes.

Committees conferred.

No report was agreed upon; nor was any report ordered to be made by the Committee of the Council to the House.

Shorthand Writer's Notes.

WEDNESDAY, 4TH SEPTEMBER, 1867.

Present:

The Hon. C. Sladen
 The Hon. W. Campbell
 The Hon. W. H. F. Mitchell
 The Hon. T. H. Fellows
 The Hon. J. F. Strachan
 The Hon. J. P. Bear
 The Hon. W. Highett.

The Hon. The Chief Secretary
 The Hon. The Attorney-General
 The Hon. The Treasurer
 The Hon. The Commissioner of Customs
 Mr. J. T. Smith
 Mr. G. V. Smith
 Mr. Riddell.

Mr. Fellows.—The point of difference is the variation in the preamble as agreed upon, or, rather, I will not say agreed upon, but as acted upon on the last two or three occasions. Of course it is palpable, on reading the thing itself, that it is not the one that has been adopted on the last three or four occasions, or whatever the number may be. The form was altered, it is supposed, by reason of the result of a subsequent conference, if I may so call it, by which resolutions were passed as to the forms of Bills. Now, of course, if the Committee who were present on that occasion, say that they understood the Council intended to abandon that former compact, it may not be worth while to discuss that matter; and then the question will be, supposing the gentlemen who formed that Committee to make the statement that they believed the Legislative Council were abandoning what had been previously fixed in that way—then, arguing that position, this preamble does not accord with the English form; because the expression “Legislative Assembly” is equivalent to the expression “House of Commons,” and “House of Commons” is not a word to be found in any English Money Bill. The form used in America—either the English form or the American form—will substantially comply with it; but it would be more consistent, I think, and would tally more strictly with the expression used in the Constitution Act itself, that the form hitherto adopted—that is, on the last two or three occasions—should be adhered to. I was not a member of the Committee by which that agreement was arrived at, and I do not pretend to say the mode in which the Committee did arrive at the use of that word “vote;” but it is a word that tallies, apparently, with the words used in the Constitution Act. That is the short point, and whichever way it is taken it will be equally satisfactory to the Council, I believe.

Mr. McCulloch.—I may say, on behalf of the Committee, that the same Committee is appointed now that sat on a former occasion, and it is generally believed the resolution that was passed covered the change that is now made in the preamble of the Bill—that never was doubted—

Mr. Fellows.—That is not the question. Did the gentlemen who formed that Committee at the time believe it?

Mr. McCulloch.—I believed so. I believe that the Committee on that side did everything to remove the difficulty; and not only do I believe it, but the gentlemen on the opposite side also agreed in the matter.

Mr. Fellows.—Of course it is a misfortune not to know what was said to lead to the impression on the other side of the views held by members on this; but as far as the authority of the House was concerned, the Committee had merely to deal with Bills incidentally dealing with taxation. I quite admit the words of the compact cover it, that it is within the four letters of the law.

Mr. McCulloch.—But did not the Conference agree to extend what was remitted to them, so as to cover all Bills of Aid and Supply? I think that was distinctly agreed—that all Money Bills were to come under this arrangement whatever it was.

Mr. Fellows.—I am not going to contradict anybody; but do the gentlemen of the Committee of the Assembly say, that the Council meant to alter the preamble?

Mr. Higinbotham.—Would the members of the Council say, they do not believe that it was meant to cover it? It is not fair to ask the gentlemen of the Committee of the Assembly to state their apprehension of the opinions of honorable members of the other side.

Mr. Fellows.—Did anything on this side lead to the other side thinking so? As far as I am concerned it was not before me. I was not on the previous Committee, but individually, I can say I never dreamt of it. I cannot answer for anybody else.

Mr. Higinbotham.—If I were to be asked that question, I really could not say what my impression was as to the opinion of the Honorable Members of the Legislative Council; but I can say for myself, that I had a very distinct impression at the time, that the insertion of this word would cover it.

Mr. Fellows.—I am quite satisfied of that.

Mr. Higinbotham.—And I expressed that opinion. When the resolution was brought up and considered in the Legislative Assembly, I said, as showing my opinion at the time as to the effect of this agreement, “I think if the honorable member will observe the object of this resolution, he will find that the terms of it, if agreed to, and if acted upon by both Houses, will lay the foundation for harmonious and amicable transaction of financial business in future between the Houses which has never before existed; and which I venture to say, if it be now established, is one of the happiest events which could occur in this country. It will be remembered that the present difficulty—founded upon the construction of the 56th section of the Constitution Act—arose with members sitting in another place. They were anxious to alter a clause in a Bill now before them. If they had adopted the construction admitted by this House as the true construction of the 56th section of the Constitution Act, they could have altered any clause of a Bill—providing it did not come within any of the rules relating to Money Bills—according to the practice of the House of Lords; but by the construction hitherto put upon this section by the other House, they undoubtedly could not alter a Money Bill if they decided it was a Money Bill, no matter what clauses it contained. Now, Sir, upon this occasion the other House—animated, I am happy to say, by the very best spirit—have seen the difficulties which surround this entire question; and—I do not say it in the smallest spirit of boastfulness, or with a desire to rake up past differences—I venture with all confidence to assert, that in assenting to this resolution, both Houses will assent to the interpretation of the 56th section of the Constitution Act which this House has always asserted. If the resolution be adopted by this House, we shall have no more disputes about the forms of preambles: we shall have no more differences as to the duty of this House to assert its rights in accordance with all the precedents and authorities of the House of Commons to the sole control of taxation and finance.”

Mr. Fellows.—Taxation and finance. This is not finance; this is an appropriation of supplies.

Mr. Higinbotham.—I apprehend the Appropriation Bill is one of the Bills connected with finance, and required by the 56th section. It is one of the Bills into which the House of Commons puts its grants to the Crown.

Mr. Fellows.—Of course, it is finance in one sense, no doubt.

Mr. Higinbotham.—The extension of the terms of the original resolution was made at the instance of the members of the Legislative Assembly. The original Message only invited a conference on the subject of Bills of Supply.

Mr. Fellows.—There was no alteration in the Council’s resolution.

Mr. Higinbotham.—When the Conference met, we pointed out that although the Message might meet the views, if the arrangement could be adopted, of the Legislative Council, it would not meet the views of the Legislative Assembly; that the whole question ought to be gone into, and, if possible, settled; and I find that the honorable member, Mr. Fellows, in bringing the question before the Legislative Council, so dealt with it. He is reported to have said,—“A further proposition was made by the Committee of this House, that the practice of the Imperial Parliament, regarding the form and contents of Bills, should be the practice followed by both Houses here. This was apparently put forward as a counter proposition; but as both propositions appeared to express what both sides intended, the two were incorporated together, and the result was the resolution which will be submitted to the House.”

Mr. Fellows.—I do not deny all that.

Mr. Higinbotham.—If it be not denied—

Mr. Fellows.—I can only say that this form of preamble was not present to my mind from beginning to end.

Mr. Higinbotham.—I have no hesitation in saying it was present to mine.

Mr. Fellows.—If anything on this side lead to that conclusion on the other side, that will be our fault from want of clearness.

Mr. Higinbotham.—I fear there has been a great misapprehension as to the effect of this altogether. I thought that the Legislative Council would be bound by the practice of the House of Lords in rejecting or not rejecting all Bills of that kind.

Mr. Fellows.—That was never mentioned.

Mr. Sladen.—We qualified ourselves.

Mr. Higinbotham.—When those opposite views were discussed in the Conference it was submitted, though the Council could not agree as to the interpretation of an Act of Parliament, they might agree as to the practice under the Act?

Mr. Fellows.—And they would in nine cases out of ten, or in 99 out of 100 perhaps. They have hitherto, in every case that has occurred in fact.

Mr. Higinbotham.—It would really seem then that this resolution had no meaning and no effect. I would ask honorable members to say what meaning has it?

Mr. Fellows.—That those clauses that were wrongly associated were excluded by it.

Mr. Higinbotham.—The honorable member said that it was met by a counter proposition.

Mr. Fellows.—No.

Mr. Higinbotham.—So I read his speech.

Mr. Fellows.—The counter proposition I spoke of were the two parts of that resolution. It will be recollected one side brought one resolution and the other side brought another, and it was suggested they should be combined, and they were combined and ultimately further postponed.

Mr. Higinbotham.—If the memories of honorable members do not agree as to the intentions of the parties the agreement must be supposed to speak for itself. It is perfectly simple in its form.

Mr. Fellows.—I quite admit that it speaks for itself.

Mr. Higinbotham.—No honorable member of the Council except one has said that the full effects of those resolutions were not known to him.

Mr. Sladen.—I most distinctly state so. I had no idea of its being taken advantage of.

Mr. Higinbotham.—“Taken advantage of”?

Mr. Sladen.—I do not say it offensively.

Mr. Verdon.—The first two days of our meeting I urged very strongly the necessity of dealing with the whole case so as not to determine the single question before the House, but to determine for all time upon some course of conduct that would enable us to avoid disputes between the two Houses, and that every honorable member will recollect.

Mr. Fellows.—Oh, yes.

Mr. Verdon.—If it be said, “There is a difference between an Appropriation and a Supply Bill,” it will not be a distinction that will affect this case. There is the free gift preamble in both Bills. The free gift preamble was certainly discussed, and I apprehend that there can be no question that the form of a Supply Bill was agreed to be in the form adopted by the House of Commons, and would include the free gift preamble; it cannot be said after the Houses have agreed to use the free gift preamble in a Supply Bill it would be improper to use the free gift preamble in an Appropriation Bill.

Mr. Fellows.—I do not say that certainly.

Mr. Verdon.—I think that I may venture to say, if it is distinctly understood that as to Supply Bills we should follow the forms as well as all other matters adopted by the House of Commons in dealing with such Bills, there can be no question as to the propriety of following the form in an Appropriation Bill.

Mr. Fellows.—Oh! yes.

Mr. Verdon.—That was our opinion at the time.

Mr. Fellows.—If that was the intention of both parties—

Mr. Verdon.—I think there will be no doubt on the other side that there was no intention on our side to take advantage.

Mr. Fellows.—I quite grant the terms of it include this; at the same time it was a thing not noticed, and after the previous arrangement it was hardly necessary to be noticed. It was practically out of the way.

Mr. Higinbotham.—The former agreement related to a particular Bill; it is quite true that form was adopted by the Assembly in subsequent Bills; if it be now argued, because the last Conference was originally sought, and the result intended to apply only to Bills of Supply, therefore the latter agreement would not control the former in Bills of Appropriation—

Mr. Fellows.—It has been used by both Houses since.

Mr. Higinbotham.—In two or three cases, but that form was the subject of doubt and dispute or difference in both Houses. I think it was stated by an honorable member of the Legislative Council, or he was reported to have stated, that the Council had gained a victory in repealing, or inducing the Legislative Assembly to abandon, the word “grant” in the original preamble; certainly a statement to the same effect has been repeatedly made in the Legislative Assembly; the form therefore was not settled, it was one of those matters of doubt and difference in respect of which the Legislative Council requested a Conference in May last. And it seems to me very difficult to understand how it could be supposed that where conferences are invited in reference to doubts and disputes, this being one of those—

Mr. Fellows.—Did that exist at the time? Had not that doubt been cleared up by the previous compact acted upon on other occasions?

Mr. Higinbotham.—I thought that was superseded by the agreement which stated the doubts and difficulties which the Conference was to settle.

Mr. Verdon.—As to the use of the preamble agreed upon in the Conference before the last, in the two *ad interim* Bills preceding this, the old preamble was used because the Assembly had not formally adopted the report, but it was then understood by both the learned Attorney-General and myself that there would hereafter be no option but using the English form; it was only pending that we used the old one.

Mr. Fellows.—It would have made the matter more simple if the former compact had been alluded to. There was no difficulty at that time on that score, because the one House adopted a form to which the other House had no objection.

Mr. Campbell.—As a member of the first Conference, I understood that that form would be adhered to for the future, that we had arranged that at the first Conference in 1866; but not being at the last Conference, I could not give an opinion as to the views of the honorable members who were on that question. I think if it was intended to have altered that arrangement of 1866, it would have been alluded to, and should have been especially alluded to in the late Conference.

Mr. Higinbotham.—I was not a member of the Conference of 1866, nor was Mr. Fellows.

Mr. Campbell.—I was, and I should like to hear the opinions of honorable members on this matter.

Mr. Highett.—I was on that Conference, and I understood that that was definitely to settle the form of all Bills. I understood the decision come to in April, 1866, was that that was finally to settle the form of the preamble that was to be introduced in all Bills, and the form was adopted by the Honorable Mr. Verdon, after consulting his colleagues. He left the room—he went out and consulted his colleagues—and we had a very long discussion on the subject as to the form of words that should be made use of, and Mr. Verdon introduced the new word “vote.” I have the proceedings here.—“*Mr. Verdon.*—The word ‘resolve’ implies finality—

the word 'agree' does not. I propose now, with your leave, to withdraw and consult my colleagues.—[*Mr. Verdon withdrew for a short time, and, on his return, read the preamble amended as follows.*]

Mr. Verdon.—I do not wish to read parts of minutes which the previous Conference decided should be cancelled, but as the shorthand writer is now taking notes of all that the Honorable Mr. Highett says, and he is now reading from the minutes, I suggest if they are to be made known at all, the whole should be made known; it is inconvenient that a part only should be made known.

Mr. Francis.—They have been cancelled.

Mr. Campbell.—I do not think it is necessary to read it, it is fresh enough in the memories of honorable members.

Mr. Verdon.—It is perfectly fresh in my memory.

Mr. Campbell.—Therefore I think it is unnecessary to refer to those notes.

Mr. Verdon.—It is true the word "vote" was substituted for "grant" after much discussion. I did not feel myself justified in assenting to the alteration without consulting the members of the Cabinet, and the word was altered, after consultation—the conclusion come to there being that they were equivalent terms—that while the technical objection raised by the Council might be met by the substitution of the word "vote" for the word "grant," the Assembly would not lose anything by substituting the one word for the other. I said that before any debate in the Legislative Assembly, but I must say in addition to that, there was nothing, so far as my memory serves me, done or said on that occasion which would prevent the Houses from determining afterwards what should be the permanent form of preamble. The general question which was unquestionably discussed at the last Conference was not discussed at the first. We only dealt with that particular Bill. Objections were raised to particular parts of that Bill by the Council, and alterations were made, and that Bill was passed in accordance with the results of the Conference, but certainly nothing was said by anybody as to the practice in future in dealing with these Bills, or as to making the preamble, then agreed upon, the permanent form of preamble. In fact, in the course of debate, I contended that the Assembly had gained one step. I hoped in the direction of a complete adoption of the English form, which I think honorable members opposite will recollect. I strongly urged at the last Conference that we should do something to go further.

Mr. Campbell.—I do not think it was so much in regard to that Bill or any number of Bills; it was more as to the principle—it was the principle we objected to—because we inferred that the Assembly assumed the power of granting without consulting us on the Bill; and we established that principle; and I thought we established it for the future.

Mr. Verdon.—In order to give legal effect to the grant, the assent of the Legislative Council was required. We conceded that.

Mr. Campbell.—The inference was that it would apply hereafter, because it was on the principle, not in that Bill alone, but on the principle of the Bill; and if it is applicable to that Bill, it is applicable to every other Bill.

Mr. Fellows.—The fact of its being used afterwards is strong evidence.

Mr. Verdon.—Because there was no other, until there was another substituted.

Mr. McCulloch.—We would have continued to use it unless another arrangement had been made.

Mr. Fellows.—If it is contended that that was a final bargain —

Mr. Higinbotham.—Can it be; or is it regarded in any other light than a compact between the two Houses. In May last it was intended to submit a resolution to both Houses, and until a law was passed those resolutions could not be made binding upon future matters; still it was intended at that Conference, if the Houses adopted this resolution, that it should bind both Houses.

Mr. Fellows.—Unquestionably.

Mr. Higinbotham.—Ought not it to bind both Houses?

Mr. Fellows.—Of course, like every other bargain; but a man is not generally bound by what he does not intend.

Mr. Verdon.—If there were any exceptions to the general rule on the last occasion, ought they not then to have been stated?

Mr. Fellows.—Yes, if they were in the minds of the parties. I do not wish to make any imputations, in fact, I do not know anything about the previous compact. If I had thought it was going to cover it I would have mentioned the circumstance. I am not finding fault with anybody who did not do it, but that is what I would have done.

Mr. Verdon.—That is from the point of view that there should be an exception made to the general rule which was not incumbent upon those who considered that there should be no exceptions, but that the rule should be the English practice.

Mr. Fellows.—I do not wish to sit in judgment on any one's notions or judgment.

Mr. Mitchell.—There is no doubt the Conference considered then that we had come to a final agreement for all time coming; and it was upon that understanding that it was considered there would be peace between the two Houses. It was proposed by Mr. McCulloch that the shorthand writer's minutes should not be published as a Parliamentary Paper, and it was at one time asked that all who had received that paper should give it up. I would not give up mine, as I considered it might be useful hereafter to refer to. If Mr. Verdon will look back to what he said in the Assembly, he will perceive it was his feeling that we came to a final and determinate decision, binding upon all occasions. I am referring to the first occasion, that was on the 17th of April, 1866. He said, "The honorable and learned gentleman would not have

us go one inch beyond the Constitution Act. We, on the other hand, desire that Act to be so administered as to show that the Legislative Assembly is as nearly as possible a counterpart of the House of Commons. In all our proceedings we have endeavored to make that analogy as close as possible; and that analogy has actually been realised in the Conference just held. Now, what is the result of the Conference? In the first place, the preamble has been altered. But in what respect? The alteration consists in the substitution of the word 'vote' for the word 'resolve.' Mr. Verdon was interrupted by Mr. Levey, who says, "Two other words are struck out." Mr. Verdon continues, "The honorable member is quite right. But what significance have the words 'so granted'?" The objection taken by the Legislative Council to the preamble was, that they understood that we assumed that the grant of this House was a complete, perfect, and legal grant without the consent of the Legislative Council. Now, I say, that has never been intended by this House. The representatives of this House in the Conference pointed that out. But that did not remove the objections of the Legislative Council. They maintained, according to the view they took of the wording of the preamble, that the intention of the Legislative Assembly was to set up its right absolutely to grant without reference to the Legislative Council." I say that has never been intended by this House; and then I say, Mr. Verdon there assumed, as we assumed, that we had come to a final arrangement, and that was in accordance with the Constitution Act and in accordance with the practice of the English Parliament.

Mr. Francis.—If we refer back to the circumstances of the last Conference, this was about the position that the Legislative Council claimed—the power of alteration in many respects of the Customs Duties Bill that was then under consideration.

Mr. Fellows.—No, they said they could not alter a line of it.

Mr. Francis.—You desired power of alteration.

Mr. Fellows.—No, I beg your pardon; we were very incapable of conveying such a meaning; what was said was, that being a Bill for levying customs, whatever was in it, we could not touch a line of, because it was of that character, but that those clauses which, if they had been in a separate Bill, would have been capable of alteration by the Council—those clauses ought not to be allowed in a Bill of this character.

Mr. Francis.—There is no difference. I endeavored to express that you, the Legislative Council, endeavored to deal in detail with that Bill, though you had not power under the Constitution Act.

Mr. Fellows.—I do not admit that.

Mr. Francis.—I fancied that was your argument—that certain members of your House desired to interfere with some of the clauses, but had not the power under our Constitution, but that if that Bill had been before the House of Lords, under the usage there prevailing, you would have had such power.

Mr. Fellows.—That was the contention on the other side, not on our side.

Mr. Francis.—It was in order to enable you to exercise the power of dealing in detail with some of those clauses of that Bill. The members of the Assembly at the then Conference had no objection, provided some general applicable rule were adopted, accepting either the one thing or the other—that you must take your choice—either the constitution of Victoria, or the precedents forms and practice of the Legislature in the mother country.

Mr. Fellows.—I was not aware of that.

Mr. Francis.—That was dealing with the question, as I say, upon an understanding accepted; that while there was an objection on the part certainly of the members of the Assembly, and of some members of this Conference to allow of interference in a particular Bill, there was no objection provided some kind of general rule was mutually adopted.

Mr. Fellows.—Yes.

Mr. Francis.—It was with the view that all questions dealt with by the 56th clause (which clearly covers this) should be subject to the forms and precedents and practice of the House of Lords and House of Commons at home that that agreement was adopted by members of the Assembly, such as myself, and I say that my understanding of it was that it was to apply to all Bills dealt with under the 56th clause.

Mr. Strachan.—What Bill do you allude to?

Mr. Francis.—The Bill then immediately under discussion.

Mr. Strachan.—Embodying quite foreign matters to a Customs Bill.

Mr. Francis.—Not quite foreign.

Mr. Strachan.—I say it was foreign.

Mr. Verdon.—I would refer to the remarks in my speech, made on the 17th April, which followed those that have been quoted. I went on, in answer to Mr. Ireland, to say, "We were content to make it, and to recommend it to the House, the alteration being the substitution of the word 'vote' for the word 'resolve.' Honorable members may make, by the aid of dictionaries, comparisons unfavorable to the alteration, but I take it that there can be little objection, seeing the peculiar fitness of the word 'vote' in relation to supplies of money, and, moreover, considering that the Legislative Assembly votes the thing which the Legislative Assembly in committee has resolved upon. So that, speaking of the decision of the House, it is actually more proper to use the word 'vote' than the word 'resolve,' which is a term applied by the Committee of Supply when voting in committee. At all events, I take it that there is very little difference between the resolution of the House and the vote of the House. Each expresses the will of the House, and the word 'vote' does it just as well as the word 'resolve.' If the Legislative Council are satisfied with this change, I confess that in my opinion, and in the opinion of many honorable members, the Legislative Assembly will lose little by the substitution of the one word for the other. If the

preamble as a whole had been abandoned then the honorable and learned member for Kilmore would be justified in saying that the House set up a claim which it failed to maintain, although it did not lie in the mouth of that honorable and learned gentleman to complain of a settlement upon any terms inasmuch as he was always anxious that these disputes should be settled, utterly irrespective of the claims of this House. The preamble then, subject to the alterations I have described, remains a portion of the Bill, and I say in securing the adoption of the preamble we have done a great deal towards the recognition of those forms and practices which the House of Commons has always adopted in order to maintain its proper position in relation to the House of Lords. It is quite true that there is nothing in the Constitution Act, and nothing heretofore in the proceedings of this Assembly, to justify any particular form; but, as I have said, it is the desire of the Legislative Assembly that the practice of the House of Commons shall be followed as closely as it can be; and in securing this preamble we have made a large advance towards securing the recognition in another place of those forms and practices which both maintain and declare the rights and privileges of the House of Commons which we claim to share in this country." I merely read that to show that at that time we regarded the preamble agreed upon then, as a step towards a more perfect and complete recognition and adoption of all the forms used by the House of Commons in relation to such Bills.

Mr. McCulloch.—Do I understand Mr. Fellows to say, that at the last Conference he had not in his mind the arrangement made at the Conference on the previous occasion?

Mr. Fellows.—It was not in my mind.

Mr. McCulloch.—Then you must have in this Conference included the preamble as well as all the other forms connected with Money Bills.

Mr. Fellows.—No. The preamble was not present to my mind. I admit the terms of the bargain included it. We were discussing what kind of clauses should go into a Bill of Supply which the Council would have control over if they were in a separate Bill.

Mr. McCulloch.—We read over a great many preambles of English Bills.

Mr. Fellows.—Yes.

Mr. McCulloch.—And we decided upon what Bills ought to have the free gift preamble.

Mr. Fellows.—Distinctly.

Mr. McCulloch.—Then you can scarcely plead that the arrangement made on the former occasion as to the preamble as to "vote," —

Mr. Fellows.—I say that the question of preamble never presented itself to my mind.

Mr. McCulloch.—That gets quit of the former arrangement in the previous Conference.

Mr. Fellows.—No.

Mr. McCulloch.—It was not present to your mind, and, therefore, you must have dealt with the Bill as a whole.

Mr. Fellows.—I was dealing with the clauses themselves.

Mr. Verdon.—Did we not distinctly discuss and settle whether or not this should be a general settlement.

Mr. Fellows.—I distinctly admit it.

Mr. Verdon.—Then those members of the late Conference, not being members of the first Conference, and not having the difficulty of the preamble in their minds, cannot claim to make that an exception.

Mr. Fellows.—That is a very good argument that I should not be believed. I am not putting it offensively, of course I quite admit Mr. McCulloch's observation.

Mr. Higinbotham.—Assuming that the preamble was not present to the minds of any members of the Conference on either side at that time—if both Houses adopted the resolution in its terms—I would ask Mr. Fellows if he thinks that the Legislative Assembly, with whom this Bill must originate, would be justified, in accordance with its own resolution (putting it aside as a matter of compact) in adopting any other form of preamble than that which has been put in this Bill.

Mr. Fellows.—I cannot say what the House will do in the face of its own resolutions.

Mr. Higinbotham.—Is not the adoption of the English form of preamble a compliance—a strict, natural, and obvious and necessary compliance—with the form of this resolution?

Mr. Fellows.—I do not deny it for one moment.

Mr. McCulloch.—If that is the case you do not deny it.

Mr. Strachan.—Is it consistent with our Constitution—will the House be legally bound as it were—by that? I do not say there is not a moral obligation if they came to that conclusion. At the last Conference I never for one moment supposed that the previous Conference which I allude to—the 17th of April—was at all interfered with; we had then no dispute that the usage of the Houses of Lords and Commons at home would be confined to certain measures and Bills not such as the Honorable the Minister of Customs alluded to, mixed up with other Bills. The last Conference is utterly at variance with the Constitution. We override our own Constitution, or abandon it. If you maintain that the last Conference is to bind in future, you throw aside our own Constitution altogether.

Mr. Higinbotham.—That part of this resolution which was intended to be adopted by the Committee of the Legislative Council—that merely relating to Bills of Supply—is at least as inconsistent with the Constitution, as interpreted by the honorable member, as this other part. According to the view taken by the Legislative Assembly, neither is inconsistent. The view of the Legislative Assembly is, that our Constitution is simply the English Constitution. It was put once, if not more than once, that although the two Houses might be unable to agree as to the interpretation of the Constitution Act, still they might agree upon the practice to be adopted under it, and that the Legislative Council had shown a desire to adhere to it as to Bills of Supply.

Mr. Fellows.—It is the same preamble in both Bills, I grant that.

Mr. Higinbotham.—But the honorable member, Mr. Strachan, said this would be inconsistent with the Constitution, and if so, all parts of it are inconsistent; but the object of the Conference was to obviate it.

Mr. Bear.—I do not think it would be in the power of the Legislative Council Committee to go beyond the resolution of the House. I read here from the minutes of the proceedings of 9th April—"The Honorable R. S. Anderson moved, in accordance with contingent notice given by the Honorable C. Sladen, That the following members be the members of the Committee." "Ordered—That a message be sent to the Legislative Assembly to acquaint them that the Council have appointed seven members to meet and confer with a like number of members of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any duty, rate, tax, rent, return, or impost, and particularly with the Bill intituled '*An Act for Granting to Her Majesty certain duties of Customs and for altering certain other duties.*'" That was the instruction given to our Committee, and certainly I am quite confident myself that as to the majority of the members of the Council, it never entered into our minds that the whole question of the preamble was to be opened up again—that it was settled in 1866.

Mr. Verdon.—But the Legislative Council enlarged the functions of this Committee when it adopted the report of the Committee.

Mr. Fellows.—The resolution includes it no doubt.

Mr. Verdon.—It was not a thing done by the way, but deliberately proposed and agreed to. I think unanimously that we should endeavor to make rules that should guide us for all time, that we should not be limited to that Bill, or the strict terms of the reference in either House, and the two Houses have ratified that, and any preliminary objection that might be raised as to the power of the two Committees ought to have been taken sooner.

Mr. Bear.—That was never considered until this altered form of preamble came before us: it took us quite by surprise.

Mr. G. V. Smith.—At the time we distinctly stated we desired, as far as possible to assimilate our Constitution to that of England, and though there may be different meanings applied to words in any resolution, we can only take the resolution as substituting the forms used in England.

Mr. Fellows.—A Joint Standing Order was suggested, but I pointed out with regard to a Joint Standing Order as suggested, that it would not be in the power of either House to suspend it.

Mr. Higinbotham.—That question was also considered by the Standing Orders Committee of the Legislative Assembly, and on that account it was thought undesirable to have a Joint Standing Order.

Mr. Campbell.—We of course take it for granted that anything that has been done is consistent with the Constitution of the Colony, it does not overrule anything in our Constitution.

Mr. Higinbotham.—In my opinion certainly not.

Mr. Campbell.—If there is anything inconsistent with our Constitution in that resolution or the terms of our meeting, I think it would be null.

Mr. Higinbotham.—Certainly, it is not believed to be so on this side of the Conference.

Mr. Hightt.—Do you consider in the present form of preamble you are adopting the form and the practice at home? do you draw no distinction between "the Legislative Assembly" and the people who are "the Commons" in England?—It is "the Commons."—I contend that the Legislative Council here is a part of the Commons, that both Houses here are "Commons;" and it strikes me, if the word "Commons" could be introduced, or any other words, it would be well.

Mr. Higinbotham.—The word "Commons" used in the preamble of the English Act I apprehend means the "House of Commons," and for this reason, that the statement is the "Commons in Parliament Assembled."

Mr. Fellows.—Follow the same language.

Mr. Higinbotham.—There is no House of Commons here, and the term "Legislative Assembly" even under the arrangement of 1866 was not objected to. That is the preamble in which the word "voted" was used, and clearly it is the only word that would be appropriate, because there is no one body except the Legislative Assembly in this colony that corresponds with the "Commons in Parliament Assembled" in Great Britain.

Mr. Fellows.—If I may refer to Cobbett's Parliamentary History, I will just read a paragraph:—"On the 19th, however, in consequence of a new motion to the like effect, the 26th was appointed for the further consideration of the Rights, Liberties, and Privileges of the House of Commons: and on the 24th, the Marquis of Hartington, by way of counter-measure, moved for an instruction to the Committee of the whole House appointed to sit on that occasion, 'That they should also take into consideration the Rights and Liberties of all the Commons of England,' clearly drawing a distinction between the "House of Commons" and the "Commons."

Mr. G. V. Smith.—If we go into that question we may make this Conference last a month or two; nearly all the ablest lawyers have disagreed upon that point; they have never come to an agreement whether the term "Commons" should be used, or "House of Commons;" they are both used indiscriminately.

Mr. Fellows.—Whatever "the Commons" are, the Legislative Assembly is equivalent to "the Commons."

Mr. Higinbotham.—What does "the Commons in Parliament assembled" mean but the House of Commons?

Mr. Fellows.—"Commons" through their representatives.

Mr. Higinbotham.—"The people of Victoria through the Legislative Assembly."

Mr. Fellows.—No, take the word "people;" take the American view, "the people of Victoria."

Mr. Higinbotham.—But they must be represented in one particular House.

Mr. Fellows.—Yes.

Mr. Higinbotham.—That is in the Assembly.

Mr. Fellows.—But they are only representatives in the Assembly; if anybody likes to put a construction on it, let them put any construction they please.

Mr. G. V. Smith.—I apprehend it was intended to have a first, second, and third estate; and we must be the third estate, as is the House of Commons in England.

Mr. Fellows.—We have not got the three estates; we have not got the Lords Spiritual and Temporal.

Mr. McCulloch.—Is the word "grant" definitely settled?

Mr. Fellows.—If the Legislative Assembly consider the bargain was finally made and concluded and hold the Council to that. I admit the words compass it, but as far as I am concerned I say it was not intended.

Mr. Sladen.—So far as I am concerned, I say distinctly I never had the idea of a preamble being introduced, or being within the scope of that resolution, or it has passed entirely out of my mind; the idea never came to me. I was struck with astonishment when I saw the new form of preamble the other day, and to show the views of the Legislative Council as to that particular resolution it was referred to the Standing Orders Committee, and on the 6th of August. This was the Joint Standing Order they were going to propose: "That the Bills required by the 56th section of the Constitution Act to originate in the Legislative Assembly shall, so far as regards the subject matter thereof, be framed in accordance with the practice of the Lords and Commons respectively in regard to Bills of the like nature."

Mr. Higinbotham.—That does not carry out the resolution, surely.

Mr. Fellows.—It merely bears out the idea as to what we were dealing with.

Mr. McCulloch.—When was this?

Mr. Sladen.—The 6th of August.

Mr. McCulloch.—The Appropriation Bill had been submitted then.

Mr. Fellows.—That was made out long before the Bill was submitted, or the Message was sent down.

Mr. Sladen.—If the members of the committee opposite think it worth their while to read any remarks I made when I introduced this resolution into the Council for adoption, they will find that I distinctly limited my idea to Bills which only incidentally involved the subject; that has been my idea. I wish to have no reserve about it, and, as far as I know, no other member of that committee has entertained any different view, and it was a matter of astonishment and pain to me to see that.

Mr. McCulloch.—Has not Mr. a'Beckett a different view of that point.

Mr. Fellows.—Most likely.

Mr. Higinbotham.—Allow me to refer to the words in which Mr. Sladen is reported to have introduced this resolution. "The resolution nearly explains itself. It states that doubts have arisen respecting the form or contents of, and the practice relating to, Bills coming under the 56th section of the Constitution Act. It is very desirable that those doubts should be set aside for the future, and, if both Houses pass the resolution which has been proposed, and if subsequently it is made into a Joint Standing Order, it will be almost impossible for any difficulties to arise." That, of course, is quite consistent with the limitation in a particular mind to one class of Bills. It is unfortunate a different impression should have arisen, but I would again venture to say those reports are open to Members of Parliament in both Houses, and certainly if any honorable members of the Council, who are on the Conference, had read the published reports of the speeches in the Legislative Assembly on the subject, they would have quickly found a very different impression prevailed amongst us.

Mr. Sladen.—Unfortunately we did not, and I have never read my own until this moment I have read it, and it appears to me to carry out what I am now stating.

Mr. Verdon.—Is it expedient to try back and come to a conclusion at variance with that we deliberately agreed to that the forms and substance and practice of the English House of Lords and House of Commons should be observed that was discussed and reasoned out, would any one say, having come to that agreement, it is reasonable to disturb it?

Mr. Fellows.—No one says so.

Mr. Bear.—But it comes under a wrong impression.

Mr. Fellows.—It originated out of that Bill, no doubt of it.

Mr. Strachan.—It was never thought of.

Mr. McCulloch.—In the Council.

Mr. Strachan.—In the Conference of 1866 I thought the matter stood without any alteration as to the privileges of our House, that was the farthest from my mind.

Mr. Campbell.—When it came up to the House we looked upon it as a very harmless resolution.

Mr. Higinbotham.—I would submit another point of view. Supposing there had been no Conference at all; I apprehend each House has full power over the forms of Bills originating in itself, and supposing the Legislative Assembly had of itself thought proper to pass a resolution of this kind saying, in regard to all Bills originating in the Assembly, we will adopt such and such a form of preamble; on what grounds could a decision of that kind or an adherence to that

decision be objected to in respect of Bills which originated in the Assembly? each House having by the law of Parliament the perfect right to deal with the form of Bills except where restricted by statute. Supposing the compact were put aside altogether would the other side contend that the Legislative Assembly has not a perfect right to pass a resolution to use this form and that any reasonable objection could be taken by the Council?

Mr. Fellows.—Not if it is inconsistent with the Constitution.

Mr. Higinbotham.—Is each House to judge of the form which the other House will adopt in case of Bills originating in its own House?

Mr. Fellows.—In the absence of any arbitrator who can make them both obey, it appears to be the only course; there is no referee, unfortunately.

Mr. Higinbotham.—In other Bills your House has the constitutional right by altering to express its opinion; but in this class of Bills, as the Legislative Council has no power of altering, it would appear, from its relation to the House in which the Bill originates, that if the Council claimed the right of rejecting all Bills it objects to, it would give itself quite as large a power as it would expressly have if it had the power of alteration.

Mr. Fellows.—The Assembly might introduce a Bill with the preamble "Whereas it is not necessary to consult the Legislative Council." I am putting an extreme case.

Mr. Verdon.—It is because there is no referee that we agree to be guided by the usage of the British Parliament.

Mr. Fellows.—No doubt. I am answering the Attorney-General's observation, if they put a preamble to that effect, but I do not see that that helps the solution of the difficulty.

Mr. Highett.—The question is this now, whether certain words might be altered in that preamble that would make it more in conformity with the practice of the House of Commons than the way it is sent up, taking it for granted that the Legislative Council is a part of the Commons.

Mr. Verdon.—The Legislative Council cannot be both Lords and Commons at one time, and by the last agreement the Legislative Council consented to be regarded as the House of Lords in relation to all these Bills—it cannot be both.

Mr. Fellows.—It is not necessary to say what people would mean by it, in that they would please themselves; but if the word was used, each side could put its own interpretation on it.

Mr. Higinbotham.—It would restore things to the original ambiguity.

Mr. Fellows.—But it is not following the English form; if the form is "House of Commons," it would be unreasonable, but it is not "the House of Commons."

Mr. Higinbotham.—We follow the form as nearly as possible.

Mr. Riddell.—I hope there is no desire to leave things as they were originally, because I was, as one of the members of the last Conference, rejoiced to see how the thing was taken up by both sides. It is advisable to avoid any discourteous or extraordinary feelings on the side of either House. It is desirable that both Houses should consider themselves each House as nearly as possible, the one the House of Lords, and the other the House of Commons, and respect the practice adopted in those two Houses; and I think it would be a very lamentable thing to get back to our old ambiguity in reference to this Bill. I hold that all former Conferences were merely temporary to get over difficulties, but the one where that resolution was adopted, was one in which a resolution was come to on both sides to adopt the practice, as nearly as possible, of the two Houses.

Mr. Strachan.—Then it was misunderstood on this side of the House. I never, for one moment, concluded that this 1866 Conference had been upset at all in the slightest degree. There is no question, the Assembly claims exclusive power over the money matters of this country; that is of course a point that I at all events dissent from. The word "grant" is objectionable to the Council, and it is unquestionably for the Council to say whether they will revert to their former preamble, and put in the word "vote" or not. The Council are most desirous to pass this Bill, some people say irregularly so; however that is a matter for others to deal with. They are desirous of passing this £300,000 Bill if the preamble was altered.

Mr. J. T. Smith.—Would not it have been better that those honorable members who were members of the former Conference, but who are not members of the present, should have been communicated with, and that the honorable members of the other side should hold themselves bound by the first Conference? The second had nothing to do with the first, and, as to the second, the fair question is this, "Has the Assembly taken an unfair advantage of the resolution come to" or, with the resolution before us, in regard to the action taken in relation to the preamble of this Bill—

Mr. Strachan.—I do not say an advantage has been taken of the Council; but the Assembly puts a construction on that Conference which we never intended. I would not say for one moment that the Assembly has overreached us in any shape or form. We are perfectly assured that other members of the Conference believe in their own minds they had settled certain points. We are of a different opinion. We agree that the Conference did settle certain points as to certain Bills, but that other point, such as the preambles of those Bills, was never alluded to; it never entered my mind at all, and, therefore, I trust the honorable members opposite will give the honorable members on this side equal credit that we do them.

Mr. Fellows.—There is one other matter. The Committee must be aware that those resolutions only bind during the session they are passed. I am aware that is a technical objection. I am merely putting this as a reason to show why some mutual understanding should be arrived at. It is well known there is a difference between a Standing Order and a Resolution. This compact will be all at an end with the session, and yet it is not desirable that it should be at an end. I am merely speaking of the technical effect of the resolution.

Mr. McCulloch.—Was that the understanding?

Mr. Fellows.—No, it was not.

Mr. McCulloch.—It was very distinctly stated it was to be binding on the Houses, at all events as long as the Houses lasted.

Mr. Fellows.—I am not suggesting a departure from it. I was putting it on the ground that we are bound within the four corners of it, and we will say, as far as the reading of the document itself is concerned, it is what we never intended it to be; and thus showing our intention, we have means of giving effect to our intention. I am merely putting it as a reason why, if the amendment previously adopted should be returned to the whole thing might be at an end, and we never need trouble ourselves about it any more.

Mr. Verdon.—There is an objection to that position. It will be remembered that originally the proposition was to deal only with a part of the subject. It was afterwards urged from this side that the whole subject should be dealt with. I want to know how this difficulty is to be got over? Some members of the Council say now that they only intended that a portion of the subject should be comprehended in the resolution passed by the two Houses.

Mr. Fellows.—Everything but the preamble.

Mr. Verdon.—Then what was intended to be added to that partial something?

Mr. Fellows.—I do not know.

Mr. Verdon.—You must fill up that blank in some way; if you say it was limited to the original proposition, what was meant by the subsequent agreement to extend the proposition? What is to be the thing that is to fill up that blank? Let me not be misunderstood; there was a distinct extension. The reference to the Committee was partial, and they objected to deal with the subject so limited, and urged that it should be a general settlement of the whole question arising upon the introduction of Bills which must be introduced in our House under the Constitution Act. If it be now contended that the Council is limited, according to the intention of the members of the Conference, to a partial treatment of the case, how are we to explain the agreement by the Council that they came in to our proposition of the extension?

Mr. Fellows.—All the Council asked for was, as to Bills whose primary, but not only object was taxation: the extension was to other Bills.

Mr. Verdon.—The extension was to all Bills under the 56th clause that must originate by the Legislative Assembly.

Mr. Fellows.—I agree to that.

Mr. Verdon.—Then, after the agreement to extend the subject, the Council is not limited to the original consideration.

Mr. G. V. Smith.—We declined to consider that matter unless we went a little further, and dealt with the whole matter; and we thought we were making some concession in assimilating our constitution to the practice in England. And how can we interpret your intentions but by your words? There may be always an intention that may be forgotten; it is impossible to say what the intention of a man is, if it is not to be taken by his words.

Mr. Fellows.—I am aware of that.

Mr. G. V. Smith.—Then in what way are we to guard against what you call an intention?

Mr. Fellows.—I quite admit that that was in it, and was not intended to be in it by this House, and if notwithstanding that statement the Committee still say "we have got the bargain," we grant that of course.

Mr. Francis.—Then respect it.

Mr. Fellows.—But we did not intend to be bound in that way.

Mr. McCulloch.—It is a pity the same Committee was not appointed that was appointed on the last Conference; we really do not know what the views of those gentlemen are who sat there.

Mr. Highett.—We appointed a Committee to consider the subject of the preamble in 1866, and that Committee decided—

Mr. McCulloch.—That was superseded by the resolution adopted in the Legislative Council, and if anything is to be arrived at from the views of the Members of the Committee it ought to have been composed of the same gentlemen that sat here before.

Mr. Higinbotham.—I can only say that the Members of Committee on this side were plainly expressing their own impressions at the time this resolution was brought up.

Mr. Fellows.—The words used in the Legislative Council cover it, no doubt of it. It is the question of a man who signs a document and does not know the contents of it. The question is, under those circumstances, is he to be considered to be bound by it?

Mr. Francis.—Outside of the intention would it be just for the Legislative Council to go back after having obtained by concession of the Legislative Assembly a power which the Legislative Assembly asserts to be beyond the four corners of the Constitution Act; and in the exercise of that power (a moot and disputed point) the Council were allowed to amend a Bill included within the 56th clause of the Constitution Act, which, if read according to your construction, you would not have been allowed to deal with—

Mr. Fellows.—Our side asked, whether we should amend it or lay the Bill aside.

Mr. Francis.—You exercised the power.

Mr. Fellows.—We exercised the power nominally. That is a good illustration of the position we contend for in regard to the so called compact.

Mr. Francis.—If it had not been for this compact, do you think you would have been permitted to exercise the power?

Mr. Higinbotham.—If this form of preamble were altered the resolution providing that in all matters relating to money Bills the forms, precedents and practice of the English Parlia-

ment should be adopted would be of no effect ; it would be adopted except with respect to the preamble, that would be the effect of the alteration suggested.

Mr. Fellows.—Merely on the ground of the previous arrangement.

Mr. Higinbotham.—What meaning would a resolution of that kind have ?

Mr. Fellows.—That is the very difficulty.

Mr. Higinbotham.—The meaning now I apprehend is, the intention expressed by the words, and that is that we have adopted the practice of the English Constitution. It would be very difficult to suggest a reason for making an exception of the preamble.

Mr. Sladen.—Except that that subject was not within the terms of the reference.

Mr. Higinbotham.—I would ask leave to say, with respect to the whole of the proceedings of the two Committees, by which the terms of the Conference were enlarged, that the proceedings of both Houses adopting that enlarged form of resolution are proof of the adoption of it.

Mr. Sladen.—I am not at all prepared to admit that it was enlarged.

Mr. Fellows.—By the report you mean.

Mr. Higinbotham.—We considered the whole subject ; it was discussed for a long time, and it was subsequently adopted ; it cannot therefore be said because the terms of the original Conference limited the Committees to a particular question, that the Committees had not the power if their action was subsequently ratified by each House to extend the terms, if the House accepted their decision, it is not certainly competent for the Committees themselves to say afterwards that their own action was irregular or improper.

Mr. Fellows.—If the Houses approved it, of course.

Mr. Sladen.—In an Act of Parliament you will admit the preamble qualifies or modifies the subject of the Act ; and if those proceedings were reported as a whole, the resolutions would follow immediately upon the reference ; and if you read the reference with the resolution, you will admit that the wording of the resolution was modified by the terms of the reference.

Mr. Higinbotham.—I should say not, because, as it has been already stated, a proposition which was a counter proposition, or something of that nature, was made, and the Conference entertained it.

Mr. Sladen.—That was only taking two different forms of words, the one submitted by one side and the other submitted by the other having the same view.

Mr. Higinbotham.—Not having the same view, because Mr. Verdon particularly objected to the limitation, and demanded that the whole question should be considered.

Mr. Fellows.—And at the finish Mr. Verdon produced a paper with certain words on it, and one from this side was produced, and I suggested to put the two together and make it into one. The practice then would be adopted in all respects, except the preamble. You may say that is absurd. Perhaps it may be, but that is rather arguing as to the motives which would induce a bargain than as to the bargain itself. I am simply putting it, as it is put by counsel sometimes, in this way :—We have signed a document containing certain terms of which we were ignorant : are we, under those terms, to be considered voluntarily to have made a compact.

Mr. Higinbotham.—Is there any obscurity in the terms of the resolution, or the subject about which the whole discussion took place that will justify a plea of ignorance ?

Mr. Sladen.—If the reference and the resolution are read together, it is clear that one is controlled by the other, and I have no hesitation in saying the words of the resolution are controlled by and subject to the words of the reference.

Mr. Verdon.—Notwithstanding that, it must be remembered that for two days I think—certainly for one—the question was argued between the two sides whether the question should be general or limited, and it was only upon agreement on both sides that the matter should be generally treated the Committee of the Assembly consented to go on.

Mr. Sladen.—When I brought the subject before the Council it was in my mind that I was dealing with a particular class of Bills, and I have never entertained any other idea. Possibly honorable members on the opposite side had objects in view which we did not see, but the object I had in view was only in connexion with that.

Mr. Higinbotham.—I have no hesitation in saying that I believed at the time that the resolution was understood to be a settlement of the whole question. It certainly occurred to my mind in the course of considering the whole question, but I do not know whether it was so to other honorable members opposite or not, but I did believe that honorable members opposite accepted this as a settlement of the whole question.

Mr. Bear.—The Joint Standing Order recommended in our House does not bear that out.

Mr. McCulloch.—We cannot help your Joint Standing Orders.

Mr. Verdon.—The question that would arise is this, “Is the Standing Order consistent with the resolution that both Houses have adopted ?”

Mr. Bear.—It is consistent with the impression left upon the minds of the Committee of the Council.

Mr. Sladen.—It shows the opinion of those who were of the Standing Order Committee ; it shows what their opinion was upon the subject, that is all.

Mr. Verdon.—It comes to this after all, that on both sides there are differences as to intentions. On this side we are unanimous in our intention. On the other side it is not quite certain the Committee is unanimous in intention : but assuming that each side is unanimous as to intention, we have the intention *plus* the words, and you have the intention *minus* the words, and *minus* one or two matters in which we disagree with you.

Mr. Fellows.—If the Assembly do not mean to carry it out further than they have done, of course we must adopt their view of it, that it must be identically word for word as set

down ; and that as the intention exists, there is no reason to alter it. On the other hand it may be said to be altered in regard to the expression—the expression “Legislative Assembly” is equivalent to “House of Commons.”

Mr. Higinbotham.—“The Commons of England in Parliament assembled.”

Mr. Mitchell.—“The Commons of Victoria”—“The Commons in Parliament assembled”—follow the English practice.

Mr. Higinbotham.—“The Commons in Parliament assembled” means the Commons of England represented by the House of Commons. No doubt a principle is involved even in that particular alteration. I understand the object of the suggested alteration by Mr. Fellows would be to leave it open to the contention that the Legislative Council represents the Commons of Victoria as well as—

Mr. Fellows.—No.

Mr. Higinbotham.—It would leave it open to that.

Mr. Fellows.—No, I do not mean to say what it means. No doubt the members of the Council are in a measure part of the Commons, by voting for the members of the Assembly.

Mr. McCulloch.—I suppose there is nothing more to be said.

The Conference then broke up.

[*The Shorthand Writer's notes, as printed throughout this Return, have not been sent to members for correction.*]

1867.

VICTORIA.

235
—
237

LEGISLATIVE COUNCIL.

FIRST REPORT

OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE J. P. FAWKNER, AND
ORDERED BY THE COUNCIL TO BE PRINTED 26TH MARCH, 1867.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

[600.—4, 67.]

REPORT.

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

Subject.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Manufactures and Industries, New.—Report of Board (19th June, 1866)	17th Jan., 1867	... ..	No order made.
Pilot Board Accounts of 1865	"	"
Manufactures and Industries, New.—Additional Report of Board (4th September, 1866)	"	"
Statistics of Victoria, 1865	23rd Jan., 1867	... ..	"
Volunteer Force Regulations	"	"
Accounts, Public (15th June, 1866; 26th June, 1866; 26th July, 1866; 1st October, 1866)	"	"
Agricultural and Live Stock Statistics for year ending 31st March, 1866	"	"
Civil Establishment of Victoria for year 1865	"	"
Quarantine, Return of Vessels in, 1864, and Report on Sanatory Statements for year 1865	"	"
Education, Regulations of General Board of (28th May, 1866; 3rd July, 1866; 17th September, 1866)	"	"
Savings Banks.—Statements and Returns, for year ending 30th June, 1866	"	"
University of Melbourne Report, for year ending 31st May, 1866	"	"
Industrial Schools New Dietary Scale	"	"
Criminal Statistics, 1865	"	"
Agriculture, Board of.—Seventh Annual Report	"	"
County Court Regulations for Dandenong, 1st October, 1866	"	"
Fees in County Courts (Reg.), 18th June, 1866	"	"
Fees in Courts of Mines (Reg.), 18th June, 1866	"	"
Wardens, General Rules for Proceedings before	"	"
Courts of Mines, General Rule for (24th December, 1866)	"	"
Taxed Costs, Petitioners in actions against the Crown.—Return to an Order of the Council	Hon. W. H. F. Mitchell, 15th March, 1866	"	... ..	Recommended to be printed.
Uncollected Customs Duties.—Report of Royal Commission (17th January, 1867)	"	No order made.
Colonial Defences.—Report of Mr. Verdon's Proceedings as a Delegate of Victoria to Her Majesty's Government	"	"
Trade and Customs.—Account (1865)	29th Jan., 1867	... ..	"
Unpaid Duties upon Tea, Sugar, Opium, and Gold.—Return to an Order of the Council	Hon. H. M. Murphy, 29th January, 1867	"	... ..	"

Subject.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Land Act 1862, and Amending Land Act 1865—Report of Proceedings under (29th January, 1867)	5th Feb., 1867	... ..	No order made.
Health, Central Board of.—Eleventh Annual Report	"	"
Education, Public.—Report of Commission (29th January, 1867)	"	"
Mining Statute 1865—Orders in Council under (24th December, 1866)	"	"
Courts of Mines, Sale, and Mining District of Gipps Land.—Order in Council (21st January, 1867)	"	"
Auriferous and Mineral Lands and Water Right Licences.—Deposits under Regulations relating to Leases.—Order in Council (21st January, 1867)	"	"
Water Right Licences, &c.—Amending Regulations (20th August, 1866)	"	"
Mining Surveyors' and Registrars' Reports (Quarters ending 30th September, 1866, and 31st December, 1866)	12th Feb., 1867	... ..	"
Water Supply, Barker's Creek Lands reserved for.—Order in Council (28th January, 1867)	"	"
Beechworth Mining District, Polling places for Yackandandah Division of.—Order in Council (21st January, 1867)	"	"
Duties on Goods ex <i>Queen of the Mersey</i> .—Return to an Order of the Council	Hon. R.S. Anderson, 5th February, 1867	"	... ..	Recommended to be printed.
Schedule D, 18 and 19 Vict., Cap.55.—Statement of Expenditure 1865, and an Account of 1866 to 31st December, 1866	19th Feb., 1867	... ..	No order made.
Tobin Yallock Swamp.—Conditions of proposed Lease to William Lyall	"	"
Ararat Mining District, Polling places for Barkly Division of.—Order in Council (4th February, 1867)	26th Feb., 1867	... ..	"
Imports, 1866.—Values, Package Rate, &c.—Return to an Order of the Council	Hon. J.F. Strachan, 19th February, 1867	"	... ..	Recommended to be printed.
Ballarat Mining District, Polling places for Divisions of.—Order in Council (18th Feb., 1867)	27th Feb., 1867	... ..	No order made.
Health Officer, Report of (year ending 31st December, 1866)	5th March, 1867	... ..	"
Mining Operations authorized on exempted Lands.—Conditions (18th February, 1867)	6th March, 1867	... ..	"
Elections and Qualifications Committee, Report of	12th March, 1867	... ..	Recommended to be printed.
Cumberland Disease, Correspondence respecting supposed introduction of, across the Murray River	13th March, 1867	... ..	Recommended to be printed, if not printed by order of Legislative Assembly.
Sewerage and Water Supply.—Cash Sheet and Balance Sheet, 1865	20th March, 1867	... ..	No order made.

Committee-Room,
Parliament Houses, 26th March, 1867.

JOHN P. FAWKNER,
Chairman.

1867.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

OF

ELECTIONS AND QUALIFICATIONS,

ON THE

PETITION OF ROBERT LEWIS:

TOGETHER WITH

PROCEEDINGS OF COMMITTEE AND MINUTES OF EVIDENCE.

ORDERED BY THE COUNCIL TO BE PRINTED, 26TH MARCH, 1867.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 23RD JANUARY, 1867.

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 of 1856, I do hereby appoint—

- The Honorable Robert Stirling Anderson,
- The Honorable John Pinney Bear,
- The Honorable Nicholas Fitzgerald,
- The Honorable Alexander Fraser,
- The Honorable James Graham,
- The Honorable John Sherwin,
- The Honorable Charles Sladen,

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

Given under my hand this twenty-third day of January, 1867.

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

TUESDAY, 29TH JANUARY, 1867.

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

TUESDAY, 5TH FEBRUARY, 1867.

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

TUESDAY, 19TH FEBRUARY, 1867.

PETITION.—SOUTH-WESTERN PROVINCE ELECTION.—The President laid on the Table a Petition signed by Robert Lewis, styling himself an elector for the South-Western Province, praying for a scrutiny into the votes taken at the South-Western Province election ; and that it may be determined that Thomas Learmonth, Esquire, was duly elected, and not the Honorable George Rolfe ; and praying for such further or other relief as the circumstances of the case may require, or as may seem meet.

The Honorable H. M. Murphy moved, That the Petition be referred to the Committee of Elections and Qualifications.

Question—put and passed.

The Petition was read at the Table by the Clerk.

TUESDAY, 26TH FEBRUARY, 1867.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—In pursuance of the Electoral Act of 1856, the President laid upon the Table the following Warrant appointing a member of the Committee of Elections and Qualifications, in room of the Honorable Charles Sladen, resigned :—

VICTORIA.

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

- The Honorable Henry Morgan Murphy
- to be a member of "The Committee of Elections and Qualifications," in room of
- The Honorable Charles Sladen,

who has addressed his resignation to me, in conformity with the provisions of the said Act.

Given under my hand this twenty-first day of February, 1867.

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

WEDNESDAY, 27TH FEBRUARY, 1867.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President laid on the Council Table, for the second time the Warrant appointing the Honorable H. M. Murphy to be a member of the Committee of Elections and Qualifications.

TUESDAY, 5TH MARCH, 1867.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President laid on the Council Table, for the third time, the Warrant appointing the Honorable H. M. Murphy to be a member of the Committee of Elections and Qualifications.

NOTICE FROM HONORABLE G. ROLFE.—The President laid on the Table a notice signed by the Honorable G. Rolfe, addressed to the President, and declaring that the Honorable G. Rolfe declines to defend his return for the South-Western Province.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President appointed two o'clock on Wednesday, the 6th instant, in the South Committee Room, to be the time and place of the first meeting of the Committee of Elections and Qualifications.

WEDNESDAY, 6TH MARCH, 1867.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—MEMBERS SWORN.—The following members of the Elections and Qualifications Committee were sworn at the Table by the Clerk in the manner prescribed by the Electoral Act of 1856 :—

The Honorable Robert Stirling Anderson,
The Honorable Nicholas Fitzgerald,
The Honorable Alexander Fraser,
The Honorable James Graham,
The Honorable Henry Morgan Murphy,
The Honorable John Sherwin,

The President appointed the time and place of the meeting of the Committee to be at eleven o'clock in the forenoon on Thursday, the 7th March, in the South Committee Room.

TUESDAY, 12TH MARCH, 1867.

ELECTIONS AND QUALIFICATIONS COMMITTEE REPORT.—The Honorable R. S. Anderson, as Chairman of the Committee of Elections and Qualifications, brought up the Report of the Committee, and moved that the same be received.

Question—put and passed.

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

“That George Rolfe, Esq., who was returned by the Returning Officer as duly elected for the South-Western Province, on the 11th October, 1866, was not duly elected.”

“That Thomas Learmonth, Esq., was duly elected at the said election for the said Province.”

R E P O R T.

The Honorable R. S. Anderson, from the Select Committee on Elections and Qualifications, to which Committee was referred the Petition of Robert Lewis against the return of the Honorable George Rolfe for the South Western Province, informed the House that the Committee had determined :—

That George Rolfe, Esquire, who was returned by the Returning Officer as duly elected for the South Western Province on the 11th October, 1866, was not duly elected.

That Thomas Learmonth, Esquire, was duly elected at the said election for the said province.

ROBERT S. ANDERSON,
Chairman.

Committee Room,
12th March, 1867.

266

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 6TH MARCH, 1867.

First meeting of Committee appointed by the President for 2 p.m., this day. No members of the Committee having been sworn, no meeting took place.

THURSDAY, 7TH MARCH, 1867.

Members present:—

The Honorables R. S. Anderson, J. Graham, H. M. Murphy, A. Fraser, J. Sherwin.

Resolved—That the Honorable R. S. Anderson be Chairman of the Committee.

The petition of Robert Lewis referred to the Committee was read as follows:—

“To the Honorable Sir JAMES FREDERICK PALMER, Knight, President of the Legislative Council of Victoria.

“The humble petition of Robert Lewis, of Ballarat, in the Colony of Victoria, gentleman, whose name is hereto subscribed,

“*SHWETH—*

“1. That, at the election of a member to serve in the said Legislative Council for the South Western Province, held on the eleventh day of October, One thousand eight hundred and sixty-six, your Petitioner was a registered elector of the said Province, and had a right to vote, and did vote at the said election.

“2. That, at the said election, George Rolfe and Thomas Learmonth, Esquires, were the candidates, and a poll having been taken, the said George Rolfe was declared by the returning officer of the said Province to have the majority of votes and to be elected, and was returned as a member to serve in the Legislative Council for the said Province.

“3. That many persons who were registered as electors of the said Province in respect of freehold qualifications, or as lessees or occupiers of lands or tenements in the said Province, and who voted at the said election for the said Province, became disqualified as electors for the said Province at the said election between the time of the making up and revision of the electoral roll in force at the time of the said election and the time of the holding of the said election for the said Province, by reason of the non-retention by them of a sufficient qualification.

“4. That the votes of such persons, as in the last paragraph mentioned, were improperly admitted at the said election for the said Province.

“5. That, if the votes of all those persons so disqualified as aforesaid, but who, nevertheless, voted at the said election for the said Province, were struck off the roll, it would be found that the said Thomas Learmonth obtained a greater number of votes at the said election than the said George Rolfe.

“6. That, by reason of the premises, the said George Rolfe obtained a colorable majority, and was improperly and illegally returned to serve in the said Legislative Council for the said South-Western Province; whereas, in truth and in fact, the said Thomas Learmonth had a majority of legal votes over the said George Rolfe, and was duly elected to serve in the said Legislative Council for the said South-Western Province, and ought to have been returned.

“Your Petitioner therefore humbly prays—

“1. That, you will, as soon as conveniently may be, lay this petition before the Legislative Council, and that the same may be referred to the Elections and Qualifications.

“2. And that the said Committee will take the premises into consideration, and will make a scrutiny into the votes taken at the said Election for the said Province, held on the said eleventh day of October, One thousand eight hundred and sixty-six; and that the votes of all persons proved not to have retained a sufficient qualification may be struck off.

“3. And that the said Committee may determine and report to the said Legislative Council that the said George Rolfe was not duly elected, and ought not to have been returned at the said election; and, that the said Thomas Learmonth was duly elected and ought to have been returned; and that, if necessary, the said return may be amended by erasing the name of the said George Rolfe, and substituting that of the said Thomas Learmonth in its stead.

“4. And that your Petitioner may have such farther or other relief as the circumstances of the case may require, or as to the said Committee or the said Legislative Council may seem meet.

“5. And your Petitioner will ever pray.

“ROBERT LEWIS.”

The following resolutions were agreed to:—

1. That counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so.
2. That no person shall be examined as a witness who shall have been in the room during any part of the proceedings (with the exception of the parties and their agents, whose names shall be handed in) without the special leave of the Committee.
3. That the Committee will only hear one counsel on the opening and summing up of the case.
4. That, should any point of law arise requiring argument, the Committee reserve to themselves the power of hearing only one counsel on each side.

The persons attending were called in and informed of the above resolutions.

The shorthand writer, Mr. James Webb, was called in and sworn.

Mr. Pavey appeared as agent in support of the petition of Robert Lewis.

The Chairman announced that the petition of Robert Lewis was now before the Committee.

Mr. Pavey was heard to make preliminary remarks upon the petitioner's case, and requested the ruling of the Committee as to the manner in which they would inquire into the qualification of voters who, though retaining the property for which they were put on the Electoral Roll, were not possessed of a qualification of sufficient value at the time of the voting.

The Committee deliberated.

Resolved—That the Committee will strike off the votes of any persons who, by reason of insolvency, assignment of estate, or by parting with any portion of the properties for which they may have been registered, shall have ceased to retain a sufficient qualification; and with regard to other cases, will deal with them as they arise.

Mr. Pavey applied that summonses might be issued for the attendance of witnesses.

Leave granted.

Committee adjourned till half-past eleven o'clock on Tuesday, the 12th instant.

TUESDAY, 12TH MARCH, 1867.

Members present:

The Hon. R. S. Anderson (in the chair);

The Hon. H. M. Murphy
A. Fraser
N. Fitzgerald

The Hon. J. Graham
J. Sherwin.

Mr. Webb appeared as counsel for the petitioner.

Names of agents handed in—Mr. Thomas Pavey, Mr. Joseph Hardingham, Mr. M. A. Alexander.

Counsel was heard to open the case for the petitioner.

The Clerk of the Council was sworn, and was examined by Mr. Webb, and produced the writ returned for the election for the South Western Province, showing the return of Mr. Rolfe; also, from a sealed parcel, the Roll used at the election at Kardinia, at Ashby South, and at North Geelong.

Mr. W. F. Ducker sworn, and examined by Mr. Webb.

The Committee decided that T. A. Sidders had voted wrongfully.

The Clerk of the Council produced the voting papers for Kardinia Division, and the Roll used. Voting paper given to T. A. Sidders, produced.

Vote of Thomas A. Sidders, No. 24 on the roll, for Mr. Rolfe, struck off.

Mr. W. F. Ducker again examined.

The Committee decided that James Brown had voted wrongfully.

Voting papers and roll used in Ashby South Division produced. Voting paper given to James Brown produced (No. 3, on roll).

Vote of James Brown, for Mr. Rolfe, struck off.

Mr. Arthur Landon examined.

The Committee decided that Henry A. Isard voted wrongfully.

Voting papers and roll used in North Geelong Division produced. Voting paper given to Henry A. Isard produced (135 on roll).

Vote of Henry A. Isard for Mr. Rolfe, struck off.

Mr. Thomas Francis Buttler sworn and examined.

Mr. W. F. Sayers sworn and examined.

The Committee decided that Duncan Scott had voted wrongfully.

Voting papers and roll used in Ashby South Division produced. Voting paper given to Duncan Scott (66 on roll) produced.

Vote of Duncan Scott, for Mr. Rolfe, struck off.

Mr. G. Whitelaw sworn and examined.

The Committee decided that James Fulton had voted wrongfully.

Voting papers and roll used in North Geelong Division produced. Voting paper given to James Fulton produced (86 on roll).

Vote of James Fulton, for Mr. Rolfe, struck off.

Mr. William Weir sworn and examined.

Mr. T. F. Buttler again examined.

The Committee decided that John Haslam had voted wrongfully.

Voting papers and roll used in North Geelong Division produced. Voting paper given to John Haslam produced (103 on roll).

Vote of John Haslam, for Mr. Rolfe, struck off.

The Clerk of the Council again examined.

Mr. James Noble, Returning Officer, sworn and examined.

Mr. Arthur Landon again examined.

The Committee decided that John Carr had voted wrongfully.

Voting papers and roll used in North Geelong Division produced. Voting paper given to John Carr (57 on roll) produced.

Vote of John Carr, for Mr. Rolfe, struck off.

The Clerk of the Council again examined. Roll used at North Geelong produced.

Mr. William Weir examined.

The Committee decided that Henry M. Nicholson had voted wrongfully.

Voting papers and roll used in North Geelong Division produced. Voting paper given to Henry M. Nicholson (No. 187 on roll) produced.

Vote of Henry M. Nicholson, for Mr. Rolfe, struck off.

Mr. Webb requested the Committee to report that Mr. Learmonth was duly elected, a majority for him having been proved.

Room cleared

Committee deliberated.

Resolved—That George Rolfe, Esquire, who was returned by the Returning Officer as duly elected for the South Western Province, on the 11th October, 1866, was not duly elected.

That Thomas Learmonth, Esquire, was duly elected at the said election for the said Province.

Parties called in and informed of the determination arrived at.

Mr. Webb asked the Committee to adopt some resolution authorizing the return of the sum of £100 lodged by the petitioner.

Resolved—That the sum of £100 so lodged be returned to the petitioner.

Chairman ordered to report to the House the determination of the Committee as to the election and return.

MINUTES OF EVIDENCE.

THURSDAY, 7TH MARCH, 1867.

Members present :

The Hon. R. S. ANDERSON, in the chair ;	
The Hon. A. Fraser	The Hon. J. Sherwin
J. Graham	H. M. Murphy.

The petition of Robert Lewis, an elector for the South Western Province, against the return of the Honorable George Rolfe as member for the South Western Province, was read.

The agents and parties were called in.

Mr. Pavey appeared as agent for the petitioner.

The Chairman intimated that the committee had agreed to the following preliminary resolutions :—

- (1.) That counsel will not be allowed to go into matters not referred to in their opening statement without a special application to the committee for permission to do so.
- (2.) That no person shall be examined as a witness who shall have been in the room during any part of the proceedings (with the exception of the parties and their agents, whose names shall be handed in) without the special leave of the committee.
- (3.) That the committee will only hear one counsel on the opening and summing up of the case.
- (4.) That, should any point of law arise requiring argument, the committee reserve to themselves the power of hearing only one counsel on each side.

The Shorthand Writer was sworn.

Mr. Pavey was heard to state the course he proposed to pursue in the conduct of his case, and that the first class of cases he intended to submit was that of persons who, at the time of voting, did not, as he should contend, upon the wording of the 66th clause of the Act 19 Victoria No. 12, possess a sufficient qualification ; in which case, he should submit that the votes of such persons ought to be struck off as null and void ; and that, upon this point he desired to have an expression of opinion by the committee.

The agent and parties were directed to withdraw.

After some time, the agent and parties were again called in, and informed that the the committee had arrived at the following resolution :—

“That the committee will strike off the votes of any persons who, by reason of insolvency, assignment of estate, or by parting with any portion of the properties for which they may have been registered, shall have ceased to retain a sufficient qualification ; and with regard to other cases, the committee will deal with them as they arise.”

Adjourned to Tuesday next at half-past eleven o'clock.

TUESDAY, 12TH MARCH, 1867.

Members present :

The Hon. R. S. ANDERSON, in the chair ;	
The Hon. N. Fitzgerald	The Hon. J. Sherwin
A. Fraser	H. M. Murphy.
J. Graham	

Mr. Webb appeared as counsel for the petitioner and was heard to open the case on behalf of the petitioner.

A list of the agents for the petitioner was handed in.

The witnesses not included in the list of the agents for the petitioner were directed to withdraw.

G. W. Rusden, Esq., Clerk of the Legislative Council, sworn.—Examined by *Mr. Webb*.

1. You are Clerk of the Legislative Council?—I am.

2. Do you produce the original writ and return for the election of a member for the South Western Province, held on the 11th of October, 1866?—I do.

G. W. Rusden,
Esq.,
12th March, 1867.

G. W. Rusden,
Esq.,
continued,
12th March, 1867.

3. The writ is dated 12th September, 1866?—Yes, the writ is dated 12th September, 1866, and returnable on the 20th October.

4. Do you also produce the ballot papers which were used at that election?—I produce a parcel of papers sent to me and purporting to be such parcel; it is sealed, as sent to me by the returning officer, and has been kept in an iron safe since I received it, and is endorsed:—“Parcel Voting Papers used. Parcel Voting Papers unused. Parcel Voting Papers laid aside. Parcel Poll Books, Electoral Rolls.”—From James Noble, R. Officer, S. W. Province.

Mr. Webb asked the Committee that the poll books and the electoral roll might be produced from that parcel.

Witness.—I produce a number of rolls for the South-Western Province as they have been tied up,—initialled, or signed by the deputy-returning officer apparently in each case.

5. Would you be kind enough to look at the Kardinia Roll, if you please?—I have it.

6. Would you look at No. 24 on that roll, Thomas Allan Sidders?—Thomas A. Sidders.

7. Does it appear to have been struck out as Mr. Sidders having voted?—It is scored out.

8. Would you look to the Ashby South roll, if you please?—I find it.

9. Number 3, James Brown?—There is a triplicate sent in this case, and in two of the rolls James Brown is marked off as having voted.

10. It appears he has voted?—His name is marked out; at least, there is a mark opposite it.

11. Number 66 on Ashby south?—Duncan Scott.

12. Does he appear to have voted?—Yes.

13. The next one I have is the North Geelong roll?—North Geelong. I produce it.

14. Number 135?—I have it.

15. Henry Austin Isard?—Henry A. Isard.

16. Does it appear he voted?—It does.

17. Number 86, on the same roll?—Number 86.

18. James Fulton?—James Fulton.

19. Does it appear that he voted?—Yes.

20. Number 103?—Number 103.

21. John Haslam?—John Haslam.

22. Does it appear that he voted?—It does. There is marked to that name, “Question put.”

23. On the same roll, number 57?—John Carr.

24. Does it appear that he voted?—It does.

Mr. Webb was heard to state that those were all the cases he proposed to proceed with to-day.

THE CASE OF THOMAS ALLAN SIDDERS.

Mr. Webb was heard to open the case of objection in regard to this voter.

Mr. William Francis Ducker, sworn.—Examined by *Mr. Webb*.

Mr. W. F. Ducker,
12th March, 1867.

25. What are you?—Auctioneer and agent.

26. Do you know Mr. Thomas Allan Sidders?—I do.

27. Do you produce a deed of assignment executed by him to yourself and Mr. Downie?—I do.

28. Do you know that to be Mr. Sidders’s signature?—I know that to be Mr. Sidders’s signature.

Mr. Webb.—The date of the deed is the 16th of October, 1865.

29. [*To the Witness*].—Mr. Sidders is put down here as qualification, “Freehold, Belmont”?—Yes.

30. Do you know that property?—I know the property which did belong to him.

31. Is the property so assigned included in the schedule to this deed?—In the schedule to that deed, Yes.

32. *By the Committee*.—Is the entire of Mr. Sidders’s property at that place included in the assignment?—The whole of his property is included in the assignment.

33. Has that property ever been re-assigned to Mr. Sidders?—No; it has not been re-assigned. The property was mortgaged, and it has fallen since into the hands of the mortgagee.

34. Then he has never redeemed it?—He had not the power after having assigned it.

35. Was all the property possessed by Mr. Sidders at the time conveyed by that deed?—Yes.

36. All that he possessed?—It was, so far as my knowledge extends.

The Witness withdrew.

Mr. Webb was heard to state that that was all the evidence he proposed to tender in this case.

The Chairman intimated that the Committee were quite satisfied that Mr. Sidders had voted wrongfully in this case.

The ballot papers were referred to, and it appeared that Mr. Sidders must have voted by a substituted Right.

Mr. Webb was heard to contend that the paper produced must be taken to be Mr. Sidders’s ballot paper.

G. W. Rusden, Esq., again called.—Further examined by *Mr. Webb*.

37. Do you produce the voting paper of this voter?—I produce several voting papers, but I do not find the number of the voter's Right, or the number on the roll corresponding with Mr. Sidders's name on any of them. G. W. Rusden,
Esq.,
12th March, 1867.

Mr. Webb was heard to propose that the remainder of the voting papers should be eliminated in order to reduce the voting papers to one.

The course proposed was adopted, and it appeared that the only name not exhausted by this process was that of Mr. Sidders.

Mr. Webb was heard to ask the Committee to decide that this was sufficient evidence of the paper being the voting paper of Mr. Sidders.

The voting paper was referred to, and it was found that Mr. Sidders had voted for Mr. Rolfe.

The vote (24 on roll) was struck off.

THE CASE OF JAMES BROWN.

Mr. Webb was heard to open the case of the objection to this vote.

Mr. William Francis Ducker again called.—Further examined by *Mr. Webb*.

38. Do you know Mr. James Brown?—Yes.

39. Of Pakington street?—Yes; off Pakington street, Geelong.

40. Do you produce a deed of assignment executed by him?—Yes.

41. To yourself and Mr. Hunt?—To myself and Mr. Hunt.

42. You know Mr. Brown's signature?—Yes.

43. Is that the signature of James Brown?—Yes.

Mr. Webb.—The date of the assignment is the 6th of June, 1866, and the operative words are "All and singular the real and personal estate property and effects whatsoever and wheresoever of or to which James Brown is entitled."

44. *By the Committee*.—Have Mr. Hunt and yourself ever re-assigned that estate to Mr. Brown?—No, the property has been sold since to other parties. Mr. Brown is still in occupation, and I believe it is friends of his who have bought it, but the property has been sold to third parties by the trustees at public auction.

45. Purchased by whom?—By Mr. Crook, an iron merchant in Geelong.

46. Does he hold it still?—I believe so; I am not certain; but he is letting it, I believe, to Mr. Brown, the same person who held it before.

47. Are you certain Mr. Brown never purchased it back?—I am certain of that; he is not in a position to buy it.

The witness withdrew.

Mr. Webb stated that that was the evidence in this case.

The Chairman intimated that the Committee had decided that James Brown was not justified in voting at the last election.

G. W. Rusden, Esq., again called.—Further examined by *Mr. Webb*.

48. Do you produce a paper marked number 3 on the general roll of the Ashby South division?—I produce a paper marked number 3 of the general roll of the Ashby South division. G. W. Rusden,
Esq.,
12th March, 1867.

49. Does it appear for whom he voted?—It is for Mr. Rolfe. Mr. Learmonth's name is struck off.

The vote (No 3 on roll) was struck off.

THE CASE OF HENRY AUSTIN ISARD.

Mr. Webb was heard to open the case of the objection in respect of this vote.

Mr. Arthur Landon sworn.—Examined by *Mr. Webb*.

50. You are an officer of the insolvent court of Geelong?—I am.

51. Do you produce the papers in the sequestration of Henry Austin Isard?—I do.

52. Will you give me the order of sequestration, if you please?—I will.—[*The witness produced the same.*]

Mr. Webb.—I put in the order of sequestration, signed by Mr. Justice Williams, of the 26th January, 1866: "An order of sequestration of the estate of Henry Austin Isard of Geelong."

53. *By the Committee*.—Was that sequestration ever set aside?—No.

54. He went through the court?—Yes.

55. And did he get his certificate?—He got his certificate; he was unopposed.

Mr. Webb stated that that was the case on this vote.

The Chairman intimated that the opinion of the Committee was, that this vote was wrongly given.

G. W. Rusden, Esq., again called.—Further examined by *Mr. Webb*.

56. Do you produce the voting paper in this case?—The general number is 18,075.

57. Does it appear for whom he voted?—For Mr. Rolfe.

G. W. Rusden,
Esq.,
12th March, 1867.

The vote (No. 135 on the roll) was struck off.

THE CASE OF DUNCAN SCOTT.

Mr. Webb was heard to open the case in respect of the objection to this vote.

Mr. Thomas Francis Buttler sworn.—Examined by *Mr. Webb*.

Mr. T. F. Buttler,
12th March, 1867.

58. You are clerk in the Registrar-General's office?—I am.

59. Do you produce the memorial, number 308, of book 159, of a deed executed by Duncan Scott?—Yes, and wife, to Andrew Love, Mary Dawson, and Sophia Dawson.

60. *By the Committee*.—How is he described?—It is appointment and confirmation; it is portion one of section eleven, of parish of Moorpanyal.

The witness withdrew.

Mr. Webb stated the date of the instrument was the 29th March, 1866, witnessed by William Higgins, solicitor, Geelong, and the consideration was "in consideration of the sum of £250 sterling."

Mr. William Frederick Sayers sworn.—Examined by *Mr. Webb*.

Mr. W. F. Sayers,
12th March, 1867.

61. You are Town Clerk of the Borough of Newtown and Chilwell?—Yes.

62. Is Fyan street in that borough?—A portion of Fyan street is in that borough.

63. Do you know Mr. Duncan Scott, butcher?—Yes.

64. Had he a property in Fyan street?—Yes.

65. Do you know whether he parted with it?—I believe he did; he had two properties there.

66. Was it a large property?—One was a large property.

67. How much?—About fifty acres; it fronts all along Fyan street; it fronts from the corner of the West Melbourne road to the river, along Fyan street.

68. Do you know what parish it is in?—I do not.

69. Is not it in the parish of Moorpanyal?—I believe it is.

70. You know the property?—I know the property.

71. Do you know Mary and Sophia Dawson?—Yes, I do.

72. Do you know whether Mr. Scott sold it to them?—I have heard that he did sell it to them.

73. You have heard that he conveyed it to them?—I have heard so.

74. You do not know the number of this allotment—the Government number?—I do not.

75. I am speaking of the fifty-three acres. What other property has he in Fyan street?—The corner of Fyan street and West Melbourne road, on the other side, about an acre.

76. What would be the value of this acre?—I do not think much more than £40.

77. *By the Committee*.—Who is in the occupation of that fifty-three acres now?—The Misses Dawson.

78. They occupy it?—They occupy it.

79. They live upon the property?—They live upon the property.

80. Does it belong to them?—I believe it does.

81. You do not know?—I do not know for certain. I heard that Scott had parted with his right in it.

82. Do you know when?—Some time last year; I do not know what time it was.

83. They are the reputed owners of it?—Yes, they are the reputed owners of it now.

84. Do they pay the rates?—Yes. They have not paid any rates as yet; I do not think they have been twelve months there.

85. Are they assessed?—They are assessed, I believe; but I will speak more certainly by looking at the book.—[*The witness referred to the rate book.*]

Mr. Webb, in reply to the Chairman, stated that the memorial mentioned all that piece or parcel of land, containing by admeasurement 53 acres, be the same more or less; that the conveyance was to Mary Dawson and Sophia Dawson; that the witness had proved that the Misses Dawson were in possession and occupation; and he submitted that was a sufficient identification. And, further, that it appeared that Mr. Scott was rated for the slaughter house at £50, and the dwelling house at £30, and that this rate was struck for 1865.

86. *By the Committee*.—[*To the witness*].—Do you know if he has possession of any other property except that you allude to?—I know he has not.

87. No other property?—No other property in that locality, except the property I have spoken of.

88. Worth £40?—Yes, that he has not parted with.

The witness withdrew.

The Chairman intimated that the Committee were of opinion that Duncan Scott was not entitled to vote at the last election.

G. W. Rusden, Esq., again called.—Further examined by *Mr. Webb*.

G. W. Rusden,
Esq.,
12th March, 1867.

89. Do you produce the voting paper?—Yes.

90. For whom did Mr. Scott vote?—Mr. Learmonth's name is struck out.

91. Mr. Scott voted for Mr. Rolfe?—Yes.

The vote (No. 66 on roll) was struck off.

THE CASE OF JAMES FULTON.

Mr. Webb was heard to open the case of the objection to this vote.

Mr. George Whitelaw sworn.—Examined by *Mr. Webb*.

92. Do you reside at Geelong?—Yes.
93. Do you know James Fulton?—Yes.
94. What was he?—A grocer.
95. Where did he carry on business?—The corner of Yarra and Malop street.
96. Do you know whether he had that property in Yarra street on lease?—Yes.
97. Did you buy his business from him?—Yes.
98. Did you carry on business at the same premises?—I carried on business at the same premises.
99. *By the Committee*.—When did you buy the lease?—About two years ago.
100. *By Mr. Webb*.—Whom did you pay rent to for the premises you occupied there?—To Beswick, the landlord.
101. Did you ever pay any rent to Mr. Fulton?—No.
102. Were you in occupation of those premises and paying rent to Beswick, the owner, in October, 1866?—Yes.
103. *By the Committee*.—Whom did you get the lease from?—Well, the lease was nearly out.
104. *By Mr. Webb*.—When did the lease expire, do you know?—I do not know.
105. At all events it expired before October, 1866?—Yes.
106. In October, 1866, you were paying rent for that property to Mr. Beswick, the landlord?—Yes.
107. You never paid rent to Mr. Fulton?—No.
108. And Mr. Fulton had no interest in those premises in October, 1866?—No.
109. *By the Committee*.—Where is Mr. Fulton now?—In Geelong.
110. Where does he reside?—In Spring street, Geelong.
111. Is he in business?—No.
112. Has he been in business since you bought that lease?—No outward business, that I know of.
113. Was it in respect of this property you occupy he was registered, are you aware?—I am not aware.
114. Is your name on the roll for the Province now?—Yes.
115. For the same property?—For Yarra and Malop street.
116. Had Mr. Fulton, to your knowledge, any other property in that street then after you purchased it?—Not to my knowledge. He has other property in Geelong.
117. Is he considered to have retired well off?—It is two years since he left, so that I know nothing of his private affairs, whether he is well or ill off.
118. Did you buy the remainder of his lease?—I bought the stock in business, but no lease was sold to me.
119. From him?—Not from the firm of Fulton and Henderson; I bought the business from them.
120. You took the premises from Mr. Fulton's landlord?—Yes, from Mr. Beswick.
121. He has property in that street, you say?—No; I am not aware of it.
122. He has property in Geelong?—I believe he has. I am not aware of his having property in Yarra street.
123. Nor in Malop street?—No.

Mr. G. Whitelaw,
12th March, 1867.

The witness withdrew.

Mr. Webb was heard to draw the attention of the Committee to the fact that the voter had qualified as a grocer holding a lease of premises in Yarra street, Geelong, and that the witness had proved that the voter had parted with his business as a grocer, and that the lease had expired before the time of the voting; that consequently there could be no unexpired residue of the lease at the time when the vote was taken and that therefore the vote was bad.

The Committee deliberated.

The Chairman intimated the opinion of the Committee to be, that Mr. Fulton was not entitled to vote.

G. W. Rusden, Esq. again called.—Further examined by *Mr. Webb*.

124. Will you produce the voting paper?—The number of "Elector's Right" opposite Mr. Fulton's name is 153,410, and the number on the roll 86; and among the voting papers I find the first number, and produce the voting paper.

G. W. Rusden,
Esq.,
12th March, 1867.

125. *By the Committee*.—For whom did he vote?—For Mr. Rolfe; Mr. Learmonth's name is struck out.

The vote (No. 86 on roll) was struck off.

THE CASE OF JOHN HASLAM.

Mr. Webb was heard to open the case of the objection to this vote.

Mr. William Weir sworn.—Examined by *Mr. Webb*.

126. You are Town Clerk of Geelong?—I am.
127. Do you know Mr. John Haslam, described here as a boot warehouseman?—I do know John Haslam.

Mr. William Weir,
12th March, 1867.

Mr. William Weir,
continued,
12th March, 1867.

128. Is he a boot warehouseman, or was he?—Yes, he keeps a boot shop.
129. Had he premises in Moorabool street at one time?—I think he is rated—premises in Moorabool street.
130. He left these premises and went to some others, did not he?—He did.
131. Do you know whether he executed an assignment for the benefit of his creditors?—I do not know of my own knowledge; I heard so.
132. Can you tell me by whom the shop formerly occupied by Mr. Haslam is now occupied?—[*The witness produced the burgess roll.*]—M'Cure, a shop in Moorabool street; occupation boot-importer.
133. Is that the shop which was formerly John Haslam's?—He had his business there.
134. Mr. Haslam formerly had his business there?—Yes.
135. Can you say whether this had been parted with to M'Cure before October last?—No, I cannot say that.
136. Where is Mr. Haslam now?—In Geelong.
137. In what street?—John Haslam, freeholder, James street, bootmaker, and rated at £20 a year.
138. Has Mr. Haslam any other property except that, as far as you know?—I am not aware of it; he is not rated on the books for anywhere else, that I am aware of.
139. And this property which he formerly had, you say this M'Cure is now rated for?—It is now in the occupation of Henry M'Cure.
140. And he is rated for it?—Yes to the extent of £230, I think.
141. When was that rating for James street £20 made out?—It is in force for the year 1865–66. Our year commences on the 1st November, and ends on the 31st October following.
142. Then he was rated at this £20 commencing 1st November, 1865, and ending 31st October, 1866?—Yes.
143. The rating of M'Cure was during the same year, was it?—Henry M'Cure rated for years 1866–67; but I will get the previous year to that. Henry M'Cure is rated for the same year that John Haslam is for the premises previously occupied by Haslam.
144. That is for the year 1865–6?—Yes.
145. *By the Committee.*—In Moorabool street?—In Moorabool street, boot importer, rated at £182.

The witness withdrew.

Mr. Thomas F. Buttler again called.—Further examined by *Mr. Webb*.

Mr. T. F. Buttler,
12th March, 1867.

146. Do you produce the memorial of the deed of assignment from Haslam to Davis?—Yes.

Mr. Webb was heard to state that the date of the deed was 30th March, 1865; that it was registered on the 3rd April, 1865, and was described as a conveyance and assignment for the benefit of creditors between John Haslam of the first part, and Samuel Davis of the second part, and the creditors of the third part; that it appeared to have been duly attested before Mr. Alexander Fraser, a justice of the peace, and purported to be "all his estate," and in consideration of a release from the creditors; and to submit that this being an assignment for the benefit of creditors, and executed before a justice of the peace, would act as an insolvency to pass everything, and the James street property, for which John Haslam was rated, being mentioned and described as freehold, would pass thereby.

The Chairman intimated that the Committee were satisfied that John Haslam's vote was bad.

G. W. Rusden, Esq., again called.—Further examined by Mr. Webb.

G. W. Rusden,
Esq.,
12th March, 1867.

147. Will you produce this voter's voting paper?—It is 18,010 (the "Elector's Right" number). The vote is for Mr. Rolfe, Mr. Learmonth's name being struck out.

The vote (103 on roll) was struck off.

Mr. Webb was heard to state that, as one of the witnesses in the next case was absent, he proposed now to ask for an adjournment to a future day, in order to enable him to complete his case; but that he would first prove the number of votes given for each candidate.

G. W. Rusden, Esq., again called.—Further examined by Mr. Webb.

148. Do the original writ and return show the number of votes on each side?—The original return does not; the writ is not so endorsed; it is simply a return "that George Rolfe, senior, of Melbourne, was duly elected in pursuance of this writ."

Mr. James Noble sworn.—Examined by *Mr. Webb*.

Mr. James Noble,
12th March, 1867.

149. Were you the Returning Officer for the South Western Province at the election in October, 1866?—Yes; on the 11th October.

150. Who were the candidates at that election?—Mr. Rolfe and Mr. Learmonth.

151. Can you state without your poll book? or, if not, will you refer to your poll book and state the number of votes polled for Mr. Rolfe and Mr. Learmonth, respectively?—Mr. Learmonth polled 623, and Mr. Rolfe 630.

152. And you returned Mr. Rolfe as elected by a majority of seven, I believe?—Yes.

The witness withdrew.

Mr. Webb was heard to state that the missing witness was now in attendance, and that he could now proceed with the other cases.

THE CASE OF JOHN CARR.

Mr. Webb stated the case in respect of the objection to this vote.

Mr. Arthur Landon again called.—Further examined by *Mr. Webb*.

153. Do you produce the order of sequestration of the estate of John Carr?—I do.

Mr. A. Landon,
12th March, 1867.

154. *By the Committee*.—Of what business was he?—A commission agent.

155. *By Mr. Webb*.—Number 57, on the North Geelong roll, described as an auctioneer, qualification, leasehold in Yarra street. What is the date of the sequestration?—19th December, 1863.

156. Do you know when he got his certificate?—Yes, the 29th October, 1866.

157. After the election?—Yes.

158. And therefore, at the time of the election, he was an uncertificated insolvent, and, as such, could not possibly hold a leasehold?—Yes.

The Chairman intimated that the Committee were of opinion that Mr. Carr's vote was void.

G. W. Rusden, Esq., again called.—Further examined by *Mr. Webb*.

159. Will you produce the voting paper of this voter?—I produce the voting paper. The "Elector's Right" number is 153,402. It is for Mr. Rolfe. Mr. Learmonth's name is struck out.

G. W. Rusden,
Esq.,
12th March, 1867.

The vote (No. 57 on the roll) was struck off.

THE CASE OF HENRY M. NICHOLSON.

Mr. Webb stated the case of the objection to this vote.

G. W. Rusden, Esq., again called.—Further examined by *Mr. Webb*.

160. Do you find the name of this voter on the roll?—Yes, Number 187 on the roll.

161. That gentleman voted?—He is marked off as having voted.

Mr. William Weir again called.—Further examined by *Mr. Webb*.

162. Do you know Mr. Henry M. Nicholson, of Ryrie street?—Yes.

Mr. William Weir,
12th March, 1867.

163. What property does he occupy in Ryrie street?—A warehouse in Ryrie street, timber merchant.—John Penny Nicholson and Henry Nicholson co-partners, or joint occupiers.

164. What is it rated at?—£120.

165. When was that?—1864–65.

166. Will you refer to the 1865–6 rating?—£90; they are rated jointly.

167. Do you know whether they objected to that?—Not in the year 1865–66, but in the present year 1866–67 they objected to it, to the £90, and it was reduced to £80.

168. *By the Committee*.—What is the date of the objection?—In January last.

169. January 1866 or 1867?—1867.

170. *By Mr. Webb*.—They were rated in 1864–5 at £120?—Yes.

171. They were rated in 1865–6 at £90?—Yes.

172. And in 1866–7 they objected to that and got it reduced to £80?—Yes.

173. Are they joint occupiers of the property?—Yes.

174. Do you know whether they have any other property in Ryrie street?—I am not aware of it. If they had any other property, it would have been assessed in their names.

175. There is no other?—This is the only property assessed in their names.

The Witness withdrew.

The Chairman intimated that the Committee were prepared to strike this vote off.

G. W. Rusden, Esq., again called.—Further examined by *Mr. Webb*.

176. Do you produce the voting paper of this voter?—I produce the voting paper. Learmonth's name is struck out.

Mr. G. W. Rusden,
Esq.,
12th March, 1867.

177. The vote is for Mr. Rolfe?—Yes, the vote is for Mr. Rolfe.

The vote (No. 187 on roll) was struck off.

Mr. Webb was heard to submit that the Committee should report that Mr. Rolfe was not duly elected, and that Mr. Learmonth was duly elected.

The Counsel and parties were directed to withdraw.

After some time, the counsel and parties were again called in and informed, that the Committee had arrived at the following resolution—

"That George Rolfe, Esq., who was returned by the returning officer, as duly elected for the South Western Province, on the 11th October, 1866, was not duly elected," and—

"That Thomas Learmonth, Esq., was duly elected at the said election for the said province."

276

277

1867.

VICTORIA.

PROGRESS REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON THE

CONSTITUTION OF LEGISLATIVE COUNCIL ;

TOGETHER WITH THE PROCEEDINGS OF THE COMMITTEE.

ORDERED BY THE COUNCIL TO BE PRINTED, 10TH APRIL, 1867.

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278

EXTRACTED FROM THE MINUTES.

TUESDAY, 5TH FEBRUARY, 1867.

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

Question—put and passed.

The Honorable W. H. F. Mitchell, in accordance with notice, moved, That the Select Committee consist of the Honorables T. T. a'Beckett, J. F. Strachan, C. Sladen, A. Fraser, T. H. Fellows, W. Degraives, H. M. Murphy, J. P. Fawkner, W. Highett, and the mover.

Debate ensued.

Question—put and passed.

WEDNESDAY, 10TH APRIL, 1867.

CONSTITUTION OF LEGISLATIVE COUNCIL COMMITTEE.—PROGRESS REPORT.—The Honorable C. Sladen brought up a Progress Report from the Select Committee appointed on the 5th February, 1867, to which was referred the subject of altering and amending the Constitution of the Council, and moved, That the Report be received and printed.

Question—put and passed.

PROGRESS REPORT.

THE SELECT COMMITTEE of your Honorable House, appointed on the 5th February of the present year, to whom was referred the subject of altering and amending the Constitution of the Legislative Council, inform your Honorable House that they have agreed to the following Progress Report :—

A scheme has been submitted to, and has occupied much of the attention of your Committee, proposing a total change in the mode of returning representatives to your Honorable Council, which your Committee are disposed to view with favor ; but, as it presents features so entirely new and different from the method of representation provided in the Constitution Act, your Committee are scarcely prepared, without much further consideration, to recommend it for present adoption.

In the meantime, and whilst they are continuing to devote their attention to that scheme, as it is their intention to do, with a view to a further Report, they desire to lay before you, in this Report, some alterations which they have agreed to recommend in the qualifications of members and electors, and in the addition of two new constituencies ; which several matters they suggest might at once be embodied in a Bill, and submitted to the Legislature soon after the Easter recess.

The alterations proposed by your Committee are as follows :—

1. That the qualification of freehold electors in the city of Melbourne, the town of Geelong, and in all boroughs, shires, and road districts, should be reduced one-half ; and that, in determining the value of an elector's property, it should be shown that it was rated in the city of Melbourne, the town of Geelong, or on the roll of a borough, shire, or road board, at not less than £50 a year.

2. That any tenant rated at not less than £50 a year within the city of Melbourne, the town of Geelong, or in any borough, shire, or road district, should be entitled to vote.
3. That the qualification of members should be reduced to £2500 in lands and tenements ; and that, in determining the value of a member's qualification, he should be required to show that it is unincumbered to the full extent of £2500, and rated at not less than £250 a year ; and that a member no longer possessing a qualification should vacate his seat, but that, upon making a fresh declaration, he should be allowed to substitute other property in lieu of that parted with.
4. That the persons named in the seventh section of the Electoral Act 1865, and those who shall have passed the Matriculation Examination of the Melbourne University, be a separate constituency, with the right of returning two members.
5. That such two members, so elected, hold office for five years.
6. That the Council, Senate, and Graduates of the Melbourne University, so soon as they shall amount to two hundred, be an electoral constituency, with the right of returning one member, and that such member so elected hold office for five years.

CHARLES SLADEN,
Chairman *pro tem.*

Committee Room,
10th April, 1867.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 19TH FEBRUARY, 1867.

Members present :

The Hon. W. H. F. Mitchell
A. Fraser
J. P. Fawcner

The Hon. W. Highett
C. Sladen
H. M. Murphy.

Resolved—That the Honorable W. H. F. Mitchell be Chairman of the Committee.
Progress Report of previous session taken into consideration.

Resolved—That Recommendation 1, "That the qualification of Electors should be reduced one half, and that, in determining the value of an Elector's property, it should be shown that it was rated on the Roll of a Borough, Shire, or Road Board, at not less than £50 a year," be adopted, inserting before "on the Roll," in line 3, the words "in the City of Melbourne, the Town of Geelong, or" and inserting before "Electors," in line 1, the word "freehold."

Resolved—That Recommendation 2, "That any tenant rated at not less than £50 a year should be entitled to vote," be adopted.

Resolved—That the qualification of Members should be reduced to £2500 in lands and tenements; and that, in determining the value of a Member's qualification, he should be required to show that it is unincumbered to the full extent of £2500, and rated at not less than £250 a year; and that a Member no longer possessing a qualification should vacate his seat.

Committee adjourned till Wednesday, 20th instant, at 2.30 p.m.

WEDNESDAY, 20TH FEBRUARY, 1867.

Members present :

The Hon. C. Sladen
A. Fraser
W. Highett

The Hon. J. P. Fawcner, in the chair;
The Hon. T. T. a'Beckett
H. M. Murphy.

Committee deliberated.

Committee adjourned till Tuesday next, at two o'clock.

TUESDAY, 26TH FEBRUARY, 1867.

Members present :

The Hon. C. Sladen
T. T. a'Beckett

The Hon. W. H. F. Mitchell, in the chair;
The Hon. W. Highett.

Proposed by the Honorable C. Sladen—That the persons named in the seventh section of the Electoral Act 1865, and those who have passed the matriculation examination of the Melbourne University, be a separate constituency, with the right of returning two members.—Carried.

Proposed by the Honorable C. Sladen—That the Council, Senate, and Graduates of the Melbourne University, so soon as they shall amount to two hundred, be an electoral constituency, with the right of returning one member.—Carried.

Committee adjourned till 2 p.m., 27th instant.

WEDNESDAY, 27TH FEBRUARY, 1867.

Members present :

The Hon. C. Sladen
W. Highett
A. Fraser

The Hon. W. H. F. Mitchell, in the chair;
The Hon. H. M. Murphy
J. P. Fawcner
T. T. a'Beckett.

Committee deliberated.

Resolved—That a copy of an Electoral Map or Maps, showing the Boundaries of each Province be procured for each Member of the Committee.

Committee adjourned till 3 o'clock on Tuesday, 5th proximo.

TUESDAY, 5TH MARCH, 1867.

Members present :

The Hon. C. Sladen
A. Fraser
H. M. Murphy

The Hon. W. H. F. Mitchell, in the chair;
The Hon. W. Highett
J. P. Fawcner
T. T. a'Beckett.

The Honorable A. Fraser moved—That the number of members of the Council be increased to thirty-six.

Committee deliberated.

Motion withdrawn.

The Honorable W. Highett moved—That all members of the Corporation of the city of Melbourne, the town of Geelong, and all Boroughs, Shires, and Road districts, be qualified to vote in the election of members for the Legislative Council.

Committee deliberated.

Question—put.

Contents.	|	Not Contents.
The Hon. T. T. a'Beckett		The Hon. C. Sladen
W. Highett		A. Fraser
J. P. Fawkner		H. M. Murphy.

The Contents and Not Contents being equal, the Chairman gave his vote with the Not Contents. The question was therefore negatived.

Committee adjourned till Wednesday, 13th instant, at 3 p.m.

WEDNESDAY, 13TH MARCH, 1867.

Members present :

The Hon. W. H. F. Mitchell, in the chair ;		
The Hon. C. Sladen	|	The Hon. W. Highett
H. M. Murphy		T. T. a'Beckett.

Committee deliberated.

Committee adjourned to Wednesday, 20th instant, at 3 o'clock.

WEDNESDAY, 20TH MARCH, 1867.

Members present :

The Hon. W. H. F. Mitchell, in the chair ;		
The Hon. C. Sladen	|	The Hon. H. M. Murphy
A. Fraser		W. Highett
T. T. a'Beckett		T. H. Fellows.

The Honorable C. Sladen laid before the Committee the following draft proposals :—

- I. That, in the place of the members retiring by rotation in 1868, and in every alternate year thereafter, five new members be returned by six of the proposed new constituencies (*viz.* : those in the corporations, boroughs, shires, and road districts, according to paragraphs III to VIII inclusive).
- II. That, in the case of an extraordinary vacancy occurring by the death, resignation, or otherwise, of any of the present members, before their tenure of office severally shall have terminated, the election to such vacancy shall be made as at present by the electors in the province for which such member was originally elected; and after such termination of office in 1876, the present system of elections for provinces shall be at an end.
- III. That, in shires and road districts, freeholders, whose property is assessed at the annual value of £25, up to and inclusive of £50, and occupiers, whose names appear on the rate book as ratepayers upon such annual value, shall be a constituency or Order (to be called the "First Order"), with the right of returning five members, whose tenure of office shall be for ten years; and that there be an election of one member in 1868, and of one in every second year thereafter.
- IV. That, in corporations and boroughs, freeholders, whose property is assessed at the annual value of £25 up to and inclusive of £50, and occupiers, whose names appear on the rate book as ratepayers upon such annual value, shall be a constituency or Order (to be called the "First Order"), with the right of returning five members, whose tenure of office shall be for ten years; and that there be an election of one member in 1868, and of one in every second year thereafter.
- V. That, in shires and road districts, freeholders, whose property is assessed at the annual value of £50 up to and inclusive of £100, and occupiers, whose names appear on the rate book as ratepayers upon such annual value, shall be a constituency or Order (to be called the "Second Order"), with the right of returning five members, whose tenure of office shall be for ten years; and that there be an election of one member in 1868, and of one in every second year thereafter.
- VI. That, in corporations and boroughs, freeholders, whose property is assessed at the annual value from £50 up to and inclusive of £100, and occupiers, whose names appear on the rate book as ratepayers upon such annual value, shall be a constituency or Order (to be called the "Second Order"), with the right of returning five members, whose tenure of office shall be for ten years; and that there be an election of one member in 1868, and of one in every second year thereafter.
- VII. That, in shires and road districts, freeholders, whose property is assessed at the annual value of above £100, and occupiers, whose names appear on the rate book as ratepayers upon such annual value, shall be a constituency or Order (to be called the "Third Order"), with the right of returning five members, whose tenure of office shall be for ten years; and that there shall be an election of one member in 1868, and of one in every second year thereafter.
- VIII. That, in corporations and boroughs, freeholders, whose property is assessed at the annual value of above £100, and occupiers, whose names appear on the rate book as ratepayers upon such annual value, shall be a constituency or Order (to be called the "Third Order"), with the right of returning five members, whose tenure of office shall be for ten years; and that there be an election of one member in 1868, and of one in every second year thereafter.

In addition to the above, Two other Constituencies to be created, as follows, viz. :—

- IX. That the persons named in the seventh section of the Electoral Act 1865, and those who shall have passed the matriculation examination at the Melbourne University, be a constituency returning five members in 1868—one to retire every second year.
- X. That the council, senate, and graduates of the University of Melbourne be a constituency, returning one member, so soon as they shall amount to 200.

The Honorable C. Sladen moved the adoption of the following proposition—That it is expedient to do away with the representation of Provinces and to substitute the representation of Orders.

Amendment moved by the Honorable H. M. Murphy—That, in the opinion of this Committee, it is not expedient that the principle of local representation be departed from, except in the case of members elected to represent the University of Melbourne, and the electorate qualified under the eventh clause of the Electoral Act 1865.

Question put on amendment.

Contents.	Not Contents.
The Hon. H. M. Murphy	The Hon. C. Sladen
A. Fraser	T. T. a'Beckett
W. Highett	T. H. Fellows
	W. H. F. Mitchell.

Amendment lost.

Original question—That it is expedient to do away with the representation of Provinces and to substitute the representation of Orders—put.

Contents.	Not Contents.
The Hon. C. Sladen	The Hon. H. M. Murphy
T. T. a'Beckett	A. Fraser
T. H. Fellows	W. Highett.
W. H. F. Mitchell	

The question was therefore passed.

Committee adjourned until Wednesday, 27th instant, at 3 p.m.

WEDNESDAY, 27TH MARCH, 1867.

Members present :

The Hon. C. Sladen	The Hon. J. P. Fawcner, in the chair ;	The Hon. W. Highett.
J. F. Strachan		

Committee deliberated.

Proposed by the Honorable C. Sladen—That, in the place of the Members retiring by rotation in 1868, and in every alternate year thereafter, five members be returned by six of the proposed new constituencies or "Orders" (viz., those in Shires, Corporations, &c.).

Committee adjourned till Wednesday, 3rd proximo, at three o'clock.

WEDNESDAY, 3RD APRIL, 1867.

Members present :

The Hon. C. Sladen	The Hon. W. H. F. Mitchell, in the chair ;	The Hon. H. M. Murphy
W. Highett		J. P. Fawcner
A. Fraser		T. T. a'Beckett.
J. F. Strachan		

Proposed by the Honorable C. Sladen—That, in the place of the Members retiring by rotation in 1868, and in every alternate year thereafter, thirty members be returned by six new constituencies or "Orders" of ratepayers, of which three shall be in shires and three in corporations.

Moved by the Honorable A. Fraser—That it is desirable to bring up a Progress Report with reference to the Qualification of Electors and Members and the two new constituencies—viz., the University and Professional Persons under sec. 7 Electoral Act 1865.—Carried.

In consequence of the foregoing resolution being carried, the Honorable C. Sladen, with leave of the Committee, withdrew his proposition.

Committee adjourned till Tuesday, 9th instant, at 3 p.m.

TUESDAY, 9TH APRIL, 1867.

Members present :

The Hon. W. Highett, in the chair ;	
The Hon. A. Fraser,	The Hon. H. M. Murphy.

Committee adjourned till Wednesday, the 10th instant, at 3 p.m., to further consider Draft Progress Report.

WEDNESDAY, 10TH APRIL, 1867.

Members present :

The Hon. C. Sladen, in the chair ;	
The Hon. W. Highett,	The Hon. A. Fraser.

Resolved—That the Honorable C. Sladen take the chair.

The Chairman submitted *pro forma* on behalf of the Chairman of the Committee the following resolutions as a basis of a Draft Progress Report:—

1. That the qualification of freehold electors should be reduced one-half; and that, in determining the value of an elector's property, it should be shown that it was rated in the City of Melbourne, the Town of Geelong, or on the Roll of a Borough, Shire, or Road Board, at not less than £50 a year.
2. That any tenant rated at not less than £50 a year should be entitled to vote.
3. That the qualification of members should be reduced to £2500 in lands and tenements; and that in determining the value of a member's qualification he should be required to show that it is unincumbered to the full extent of £2500, and rated at not less than £250 a year; and that a member no longer possessing a qualification should vacate his seat.
4. That the persons named in the seventh section of the Electoral Act 1865, and those who have passed the Matriculation Examination of the Melbourne University, be a separate constituency, with the right of returning two members.
5. That the Council, Senate, and Graduates of the Melbourne University, so soon as they shall amount to two hundred, be an electoral constituency, with the right of returning one member.

The first paragraph was read.

Moved by the Honorable W. Highett—That, after the word "electors," in the first line, the following words be inserted, "in the city of Melbourne, the town of Geelong, and in all boroughs, shires, and road districts."

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

Question—That the paragraph, as amended, be adopted—put and passed.

The second paragraph being read, the Honorable W. Highett moved—That, after the word "year," the following words be inserted, "within the city of Melbourne, the town of Geelong, or in any borough, shire, or road district."

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

Question—That the paragraph, as amended, be adopted—put and passed.

The third paragraph being read, the Honorable W. Highett moved—That the following words be added to the question, "but that, upon making a fresh declaration, he should be allowed to substitute other property in lieu of that parted with."

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

Question—That the paragraph, as amended, be adopted—put and passed.

The fourth paragraph being read, the Honorable A. Fraser moved the insertion of the word "shall," after "who," in second line.

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

Question—That the fourth paragraph, as amended, be adopted—put and passed.

The Honorable C. Sladen moved the insertion of a new paragraph, viz.:—That such two members so elected, shall hold office for five years.

Question—That these words form a new paragraph—put and passed.

The fifth paragraph being read, the Honorable C. Sladen moved the addition of the following words, "and that such member so elected shall hold office for five years."

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

Question—That the fifth paragraph, as amended, be adopted—put and passed.

Draft Progress Report read by the Chairman, and agreed to.

Chairman ordered to report.

1867.

VICTORIA.

LEGISLATIVE COUNCIL
STANDING ORDERS COMMITTEE.

FIRST PROGRESS REPORT.

ORDERED BY THE COUNCIL TO BE PRINTED 6TH AUGUST, 1867.

By Authority:
JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.
(600 copies.)

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 23RD JANUARY, 1867.

STANDING ORDERS SELECT COMMITTEE.—The Honorable G. W. Cole moved, in accordance with notice, 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.

Question—put and passed.

WEDNESDAY, 27TH MARCH, 1867.

STANDING ORDER No. 11.—The Honorable G. W. Cole, in accordance with notice, moved, That the Standing Order No. 11 shall be construed to mean, that a Member moving an Order of the Day without remark may reserve his speech for a later period of the debate, as laid down in *May's Parliamentary Practice on "Reply."*

Debate ensued.

Amendment moved by the Honorable C. Sladen, That all the words after the word "That" be omitted, with a view to insert instead thereof the words, "the Standing Orders Committee take the whole subject of the Standing Orders into consideration, and report to the Council what revision, alteration, or addition, if any, is in their opinion necessary."

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

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

Question—That the Standing Orders Committee take the whole subject of the Standing Orders into consideration, and report to the Council what revision, alteration, or addition, if any, is in their opinion necessary—put and passed.

WEDNESDAY, 15TH MAY, 1867.

BILLS INCIDENTALLY INVOLVING IMPOSTS, ETC.—PROGRESS REPORT OF COMMITTEE TO CONFER.—The Honorable C. Sladen brought up a Progress Report from the Committee appointed on the 9th ultimo to meet and confer with a like number of members of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any duty, rate, tax, rent, return, or impost, and particularly with the Bill intituled, "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties.*"

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

The Committee appointed by your Honorable House to confer with a like number of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any rate, tax, rent, return, or impost, and particularly with a Bill intituled, "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties,*" have the honor to report as follows:—

Your Committee conferred on several occasions with the Committee of the Legislative Assembly on the said subjects, and it was mutually agreed by the two Committees that a Progress Report should be presented to each House, as follows:—

That the two Houses be respectively advised, that, inasmuch as doubts have arisen respecting the form or contents of and practice relating to Bills required by the 56th section of the Constitution Act to originate in the Legislative Assembly, it is expedient that the practice of the Lords and Commons respectively be observed as to such Bills and as to all subjects of Aid and Supply, and that each House should be guided in all matters and forms relating thereto by the precedents established by the House of Lords and by the House of Commons respectively.

TUESDAY, 18TH JUNE, 1867.

BILLS INCIDENTALLY INVOLVING TAXATION, ETC.—The Honorable C. Sladen brought up a Report from the Committee, appointed on the 9th April, "to meet and confer with a like number of Members of the Legislative Assembly in relation to the proceeding generally with Bills, the primary but not the only object of which is the imposition of any duty, rate, tax, rent, return, or impost, and particularly with the Bill intituled, '*An Act for granting to Her Majesty certain duties of Customs and for altering certain other Duties.*'"

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

The Committee appointed by your Honorable House "to confer with a like number of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any rate, tax, rent, return, or impost, and particularly with a Bill intituled, '*An Act for granting to Her Majesty certain duties of Customs and for altering certain other Duties,*'" have the honor to report as follows:—

Since making their Progress Report to your Honorable House on the 15th ultimo, your Committee have conferred, on the 5th, 6th, 11th, and 18th instant, with the Committee of the Legislative Assembly.

The Committees mutually agreed that it should be recommended that the object of the resolution contained in the said Progress Report should, if possible, be accomplished by means of a Joint Standing Order of both Houses, and that each house should cause the Standing Orders and Joint Standing Orders to be considered, with a view to make them consistent with that resolution.

The Committee of the Legislative Assembly informed your Committee that they would recommend to the Legislative Assembly that the Bill be laid aside, and a new Bill be introduced, omitting the portions objected to by your Honorable House, with the exception of the fifteenth clause, which, after hearing the arguments of the Committee of the Legislative Assembly, your Committee are of opinion ought not to have been objected to.

CHARLES SLADEN.

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

Question—put and passed.

WEDNESDAY, 19TH JUNE, 1867.

BILLS INCIDENTALLY INVOLVING TAXATION, ETC.—The Order of the Day for the consideration of the Report of the Committee appointed to confer with a Committee of like number of Members of the Legislative Assembly being read, the Honorable C. Sladen moved, That this Report be adopted; and, with a view of carrying out the recommendations contained therein, and in the Progress Report, the two Reports be referred to the Committee on Standing Orders.

Debate ensued.

Question—put and passed.

TUESDAY, 6TH AUGUST, 1867.

STANDING ORDERS COMMITTEE.—The Honorable C. Sladen brought up a Progress Report from the Standing Orders Committee, and moved, That the Report be printed.

Question—put and passed.

PROGRESS REPORT.

The Committee of the Legislative Council on the Standing Orders of the House, to which was referred a Progress Report (15th May, 1867) from the Committee appointed "to meet and confer with a like number of members of the Legislative Assembly in relation to the course of proceeding generally with Bills, the primary but not the only object of which is the imposition of any duty, rate, tax, rent, return, or impost, and particularly with the Bill intituled '*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties,*'" and to which was also referred a further Report (18th June, 1867) from the same Committee, have the honor to bring the following Report before your Honorable House :—

1. Your Committee have had various meetings, at which, in addition to considering the general Standing Orders of the Council, they have deliberated upon the special references to them on the subject of the Joint Standing Orders of the House.

2. In compliance with the agreement of the Conference Committees of the two Houses (as contained in the Report made to your Honorable House on the 15th May), your Committee have prepared a Joint Standing Order which embodies, as far as seems practicable, the determination of the Conference Committees.

3. On the presentation of Bills for the Royal Assent, your Committee propose that one of the existing Joint Standing Orders of the Houses be so modified as to enable the custom of the Imperial Parliament to be followed in the manner which your Committee believe to have been desired by the Conference Committee of the Legislative Assembly.

4. Your Committee, having had under their consideration the inconvenience which has sometimes been caused by the inability to present messages unless both Houses be sitting, and the consequent delay in the consideration of important Bills, propose that the second Joint Standing Order of the two Houses be altered so as to obviate the inconvenience alluded to.

5. Your Committee would recommend to your Honorable House that the following resolution be adopted, and be transmitted to the Legislative Assembly, with a request that they will concur therewith.

Resolved—That the following alterations and additions be made in the Joint Standing Orders of the Legislative Council and Legislative Assembly:

J.O. [2.]—

That the second Joint Standing Order be read as follows :—

Messages from one House to the other shall be in writing, and shall be communicated by the Clerk Assistant of each House respectively, unless the House transmitting the message shall otherwise direct, and shall be received by either House, although the other House be not then sitting.

J.O. [15.]—

That the fifteenth Joint Standing Order be read as follows :—

The three fair prints of all Bills, except the Appropriation Bill and Bills of Supply and Tax Bills, shall be presented to the Governor for Her Majesty's Assent by the Clerk of the Parliaments.

[J.O. 26.]—

That the Bills required by the fifty-sixth section of the Constitution Act to originate in the Legislative Assembly shall, so far as regards the subject matter thereof, be framed in accordance with the practice of the Lords and Commons respectively in regard to Bills of the like nature.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 2ND APRIL, 1867.

Members present :

The Honorables C. Sladen, J. F. Strachan, and The President.

Resolved—That the Honorable The President be Chairman of the Committee.
Draft alterations and additions laid before the Committee, and ordered to be printed.

The Committee adjourned.

WEDNESDAY, 12TH JUNE, 1867.

Member present :

The Honorable The President.

No quorum.

WEDNESDAY, 19TH JUNE, 1867.

Members present :

The Honorable The President (in the chair),
The Honorables C. Sladen, A. Fraser, and J. F. Strachan.

Draft Standing Orders, as printed, laid before the Committee and considered.

Committee adjourned until 2.30 p.m. on Wednesday next.

WEDNESDAY, 26TH JUNE, 1867.

Members present :

The Honorable The President (in the chair),
The Honorable C. Sladen.

A quorum not being present, the Chairman adjourned the meeting until 3 p.m. of Wednesday, the 3rd proximo.

WEDNESDAY, 3RD JULY, 1867.

No quorum.

WEDNESDAY, 31ST JULY, 1867.

Members present :

The Honorable The President (in the chair),
The Honorables C. Sladen, J. F. Strachan, and T. H. Fellows.

Draft J.O. Standing Order proposed—That the Bills required by the fifty-sixth section of the Constitution Act to originate in the Legislative Assembly shall, so far as regards the subject matter thereof, be framed in accordance with the practice of the Lords and Commons respectively in regard to Bills of the like nature.—(*Hon. T. H. Fellows.*)

Resolved—That Bills of Supply and Tax Bills shall not in future be presented by the Clerk of the Parliaments for the Royal Assent.—(*Hon. T. H. Fellows.*)

Amendment—That Joint Standing Order No. 15 be altered by the addition, after "Bill," of the words "and Bills of Supply and Tax Bills."—(*Hon. C. Sladen.*)

Amendment—put and passed.

Motion—That, when a Bill passed by one House shall have been "laid aside" by the other House, a new Bill may be brought in and proceeded with by the House first mentioned, in like manner as if the first Bill had not been introduced.—(*Hon. T. H. Fellows.*)

After discussion, by leave, withdrawn as unnecessary.

Resolved—That the following words be added to Joint Standing Order No. 2, "and shall be received by either House, although the other House be not then sitting."—(*Hon. C. Sladen.*)

Adjourned until Tuesday next, at 3 p.m.

TUESDAY, 6TH AUGUST, 1867.

Members present :

The Honorable The President (in the chair),
The Honorables C. Sladen and T. H. Fellows.

Draft Progress Report submitted by The President, and read, and adopted.
Chairman ordered to report the same to the House.

293

1867.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON THE

INSOLVENCY LAW AMENDMENT BILL;

TOGETHER WITH

THE PROCEEDINGS OF COMMITTEE AND THE MINUTES OF EVIDENCE.

ORDERED BY THE COUNCIL TO BE PRINTED, 13TH AUGUST, 1867.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

[600 copies.]

294

EXTRACTED FROM THE MINUTES.

TUESDAY, 2ND JULY, 1867.

INSOLVENCY LAW AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable C. Sladen, That all the words after the word "That" be omitted, with a view to insert the words, "this Bill be referred to a Select Committee, consisting of the Honorables T. T. a'Beckett, R. S. Anderson, T. H. Fellows, J. Graham, W. Highett, J. P. Fawknor, and the Mover ; and that such Committee have power to call for persons and papers."

Debate ensued.

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

Contents, 4.

- The Hon. A. Fraser
- G. W. Cole
- T. T. a'Beckett
- W. H. Pettett (*Teller*).

Not Contents, 17.

- The Hon. T. H. Fellows
- C. Sladen
- R. S. Anderson
- W. Campbell
- Dr. Hope
- Dr. Wilkie
- J. P. Bear
- N. Black
- T. Learmonth
- W. Degraives
- H. M. Murphy
- W. Highett
- J. F. Strachan
- J. P. Fawknor
- R. Turnbull
- J. Graham
- W. H. F. Mitchell (*Teller*).

The question was therefore negatived.

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

Question—That this Bill be referred to a Select Committee, consisting of the Honorables T. T. a'Beckett, R. S. Anderson, T. H. Fellows, J. Graham, W. Highett, J. P. Fawknor, and the Mover ; and that such committee have power to call for persons and papers—put and passed.

The Honorable C. Sladen moved, That the Select Committee have power to sit during adjournments of the House.

Question—put and passed.

TUESDAY, 13TH AUGUST, 1867.

INSOLVENCY LAW AMENDMENT BILL.—The Honorable C. Sladen brought up a Report from the Select Committee to which this Bill was referred on the 2nd ultimo, and moved that the same be printed.

Question—put and passed.

REPORT.

The Committee to whom the Insolvency Law Amendment Bill was referred by Your Honorable House have the honor to report as follows :—

1. Your Committee, after taking evidence, are of opinion that one great obstacle to the successful working of the present Insolvent law arises from the difficulty and almost impossibility of getting together the insolvent, the creditors, and their respective witnesses, for the due investigation of the affairs of the insolvent, owing to the expense and inconvenience of their having very frequently to attend from great distances.

2. Your Committee are of opinion that much of this difficulty would be overcome by extending the local insolvency jurisdiction throughout the Colony, and thus giving greater facilities for investigation into the circumstances of the insolvent in the neighbourhood of his business, where it may be supposed *primà facie* there would be the greatest amount of evidence.

3. Your Committee are of opinion that the Bill referred to them rather increases this difficulty by its tendency to concentrate the insolvency jurisdiction.

4. Your Committee are of opinion that the Bill before them contains much valuable matter, and that it might be made a very good and useful measure, if modified and altered so as to embody the recommendations which your Committee now submit for the consideration of Your Honorable House, viz. :—

- 1st. That there shall be a Court of Insolvency in Melbourne, and a court having insolvency jurisdiction in each of the districts of Geelong, Beechworth, and other districts to be named in the Bill, and in any other district that may thereafter be proclaimed by the Governor in Council.
- 2nd. That such courts shall be courts of record, having each independent jurisdiction, with all the powers provided in section 4 of the Bill.
- 3rd. That all schedules filed in every district but that of Melbourne be in duplicate, of which one copy shall be filed in the Melbourne court.
- 4th. That plans of distribution, and the final order upon application for certificate, shall be in duplicate, of which one copy shall be filed in the Melbourne court.
- 5th. That there shall be one court in each insolvency district, in which all schedules shall be filed by insolvents resident within that district.

- 296
- 6th. That all proceedings shall be conducted to a conclusion in the court where initiated.
 - 7th. That in country districts proceedings shall be conducted by County Court judges, assisted when necessary by some person having sufficient legal knowledge to take evidence and transact routine work, and who might travel from court to court.
 - 8th. That meetings for proof of debts, &c., may be held in such County Court within the district as the judge having jurisdiction in that district may direct.
 - 9th. That regulations for the purposes mentioned in sections 11 and 12 of the Bill be made by the judge of Court of Insolvency, and the several judges having insolvency jurisdiction, with the concurrence of any two judges of the Supreme Court.
 - 10th. That regulations for regulating the practice and procedure of the Court of Insolvency, and the several forms of petitions, orders, warrants, and other proceedings, be made by the judge of the Court of Insolvency.
 - 11th. That regulations—for regulating the practice and procedure of the County Courts, and the several forms of petitions, orders, warrants, and other proceedings to be used in the said courts ; and the places and times of sitting thereof ; for regulating the duties of the various officers of courts having jurisdiction under this Bill ; for regulating the registration, filing, custody, and inspection of records and documents ; and for regulating the form and contents of, and the charges for, notices under this Bill—shall be made by the judges of the several County Courts having insolvency jurisdiction, with the concurrence of the judge of the Court of Insolvency.
 - 12th. That regulations for regulating the mode and terms of deposit and investment of moneys received, and the keeping of the “unclaimed dividend account,” shall be made by the Governor in Council.
 - 13th. That a schedule of fees payable be contained in the Bill.
 - 14th. That the appointment of official assignees remain as at present, without salary, and that they administer the estate to the conclusion either alone or in conjunction with one or more trade assignees.
 - 15th. That the remuneration to official assignees be determined as in section 62 of Act 273, without appeal.
 - 16th. That a separate Bill be introduced dealing with stamps generally (if they are to be adopted), and applying to the whole service.
 - 17th. That no certificate of discharge be given to an insolvent debtor in estates where the dividend does not amount to two shillings and sixpence in the pound.

CHARLES SLADEN,
Chairman.

PROCEEDINGS OF COMMITTEE.

TUESDAY, 2ND JULY, 1867.

Members present:

The Hon. C. Sladen		The Hon. W. Highett
J. P. Fawkner		J. Graham.
R. S. Anderson		

The Honorable C. Sladen was voted to the chair.

Ordered—That Mr. Commissioner Noel and Judge Brewer be summoned to give evidence (the former at one and the latter at two o'clock) on Tuesday next.

On the motion of the Honorable R. S. Anderson, the Chairman was requested to communicate with the Attorney-General, asking him to put the gentleman who drafted the Insolvency Law Amendment Bill in communication with this Committee, in order that they may have his assistance in preparing the amendments which might be proposed in the Bill.

The Committee adjourned till one o'clock on Tuesday next.

TUESDAY, 9TH JULY, 1867.

Members present:

The Hon. C. Sladen (in the chair),		
The Hon. J. Graham		The Hon. W. Highett
J. P. Fawkner		T. H. Fellows.

Committee deliberated.

W. B. Noel, Esq., Chief Commissioner of Insolvent Estates, was called in and examined.

The Honorable R. S. Anderson entered the room.

Ordered—That Mr. Austin, chief clerk, Insolvent Court (Melbourne), be summoned as a witness for three o'clock next day.

The Committee adjourned.

WEDNESDAY, 10TH JULY, 1867.

Members present:

The Hon. C. Sladen (in the chair),		
The Hon. W. Highett		The Hon. T. T. a'Beckett
R. S. Anderson		T. H. Fellows.
J. Graham		

G. B. Austin, Esq., chief clerk of the Insolvent Court (Melbourne), was called in and examined.

Ordered—That C. B. Brewer, Esq., Commissioner of Insolvency, Geelong, be summoned to give evidence on Tuesday.

The Committee adjourned until two o'clock on Tuesday.

TUESDAY, 16TH JULY, 1867.

Members present:

The Hon. C. Sladen (in the chair),		
The Hon. W. Highett		The Hon. J. P. Fawkner
J. Graham		R. S. Anderson.

C. B. Brewer, Esq., Commissioner of Insolvency, Geelong, was examined.

The Committee adjourned.

WEDNESDAY, 17TH JULY, 1867.

Members present:

The Hon. C. Sladen (in the chair),		
The Hon. J. Graham		The Hon. R. S. Anderson.

Adjourned until 2 o'clock of the 23rd instant.

TUESDAY, 23RD JULY, 1867.

Members present :

The Hon. C. Sladen (in the chair),	
The Hon. W. Highett J. Graham	| The Hon. J. P. Fawcner R. S. Anderson.

Question—That there shall be a Court of Insolvency in Melbourne, and a Court of Insolvency having local insolvency jurisdiction in the districts of Geelong, Beechworth, and other districts to be named in the Bill, and in any district that may be proclaimed thereafter by the Governor in Council—put and passed.

Question—That such Courts shall be Courts of Record, having each independent jurisdiction with all the powers provided in section 4—put and passed.

Question—That all schedules filed in every district, but that of Melbourne, to be in duplicate, of which one copy shall be filed in the Melbourne Court—put and passed.

Question—That "Plans of Distribution" and "The final order upon application for certificate" be in duplicate, of which one copy shall be filed in the Melbourne Court—put and passed.

Question—That there shall be one court in each Insolvency district, in which all schedules shall be filed by insolvents within that district—put and passed.

Question—That all proceedings shall be conducted to a conclusion in the court where initiated—put and passed.

Question—That in country districts proceedings shall be conducted by County Court judges, assisted, when necessary, by some person having sufficient legal knowledge to take evidence and transact routine work, and who might travel from court to court—put and passed.

Question—That meetings for proof of debts, &c., may be held in such County Court within the district as the judge may direct—put and passed.

Committee adjourned until 3 o'clock next day.

WEDNESDAY, 24TH JULY, 1867.

Members present :

The Hon. C. Sladen (in the chair),
The Hon. J. Graham.

There not being a quorum, the Chairman adjourned until two o'clock of the 30th instant.

TUESDAY, 30TH JULY, 1867.

Members present :

The Hon. C. Sladen (in the chair),
The Hon. J. Graham.

There not being a quorum, the Chairman adjourned until three o'clock next day.

WEDNESDAY, 31ST JULY, 1867.

Members present :

The Hon. C. Sladen (in the chair),	
The Hon. J. Graham W. Highett	| The Hon. T. H. Fellows.

The Committee deliberated, and adjourned till two o'clock on Wednesday next.

WEDNESDAY, 7TH AUGUST, 1867.

Members present :

The Hon. C. Sladen (in the chair),	
The Hon. J. Graham	| The Hon. W. Highett.

The Honorable C. Sladen moved, That regulations for the purposes mentioned in sections 11 and 12 of the Bill be made by the judge of Court of Insolvency, and the several judges having insolvency jurisdiction, with the concurrence of any two judges of the Supreme Court.

Question—put and passed.

The Honorable C. Sladen moved, That the regulations for regulating the practice and procedure of the Court of Insolvency, and the several forms of petitions, orders, warrants, and other proceedings, be made by the judge of the Court of Insolvency.

Question—put and passed.

The Honorable C. Sladen moved, That regulations for regulating the practice and procedure of the County Courts, and the several forms of petitions, orders, warrants, and other proceedings to be used in the said Courts; and the places and times of sitting thereof for regulating the duties of the various officers of courts having jurisdiction under this Act; for regulating the registration, filing, custody, and inspection of records and documents; and for regulating the form and contents of, and the charges for, notices under this Act; shall be made by the judges of the several County Courts having insolvency jurisdiction, with the concurrence of the judge of the Court of Insolvency.

Question—put and passed.

The Honorable C. Sladen moved, That regulations for regulating the mode and terms of deposit and investment of moneys received, and the keeping of the "unclaimed dividend account," shall be made by the Governor in Council.

Question—put and passed.

The Honorable C. Sladen moved, That a schedule of fees payable, as in Sub-division V of section 45, be contained in the Bill.

Question—put and passed.

The Honorable C. Sladen moved, That the appointment of official assignees remain as at present, without salary, and that they administer the estate to the conclusion either alone or in conjunction with one or more trade assignees.

Question—put and passed.

The Honorable C. Sladen moved, That the remuneration to official assignees be determined as in section 62 of Act 273, without appeal.

Question—put and passed.

The Honorable C. Sladen moved, That a separate Bill be introduced dealing with stamps generally (if they are to be adopted), and applying to the whole service.

Question—put and passed.

Committee adjourned till after meeting of Council on this day,

WEDNESDAY, 7TH AUGUST, 1867 [*Second Sitting*].

Members present :

The Hon. C. Sladen (in the chair),

The Hon. W. Highett
J. Graham

The Hon. J. P. Fawkner.

The Chairman read a Draft Report.

Ordered—That the Draft Report be printed for the use of Committee.

Committee adjourned till half-past three o'clock on Tuesday next.

TUESDAY, 13TH AUGUST, 1867.

Members present :

The Hon. C. Sladen (in the chair),

The Hon. J. Graham
J. P. Fawkner

The Hon. W. Highett.

The Draft Report was read, paragraph by paragraph, and adopted by the Committee.

The Honorable C. Sladen moved—new paragraph—

“That no certificate of discharge be given to an insolvent debtor in estates where the dividend does not amount to two shillings and sixpence in the pound.”

Question—put and passed.

Chairman ordered to report.

300

MINUTES OF EVIDENCE.

TUESDAY, 9TH JULY, 1867.

Members present:

The Hon. C. SLADEN, in the chair ;

The Hon. J. Graham
J. P. Fawkner
W. Highett

The Hon. T. H. Fellows
R. S. Anderson.

W. B. Noel, Esq., examined.

1. *By the Chairman.*—You are Chief Commissioner in Insolvency?—I am.

2. How long have you been Chief Commissioner?—Seven years.

W. B. Noel, Esq.,
9th July, 1867.

3. Can you give the Committee any information with reference to the connection of the Insolvent Court with the Supreme Court—whether you are aware of any inconvenience having arisen from the courts being so connected?—I think there are a great many inconveniences connected with the present jurisdiction of the Supreme Court. It is dilatory and it is expensive. Witnesses cannot be summoned without a special application to the Supreme Court and an order by the Supreme Court, and afterwards a summons is issued under that order, signed by me ; the expense of that, I am told, is somewhere about £3 or £4. The schedules that are filed in the country have first to be sent to the judge of the county court in the district ; then to be sent to Melbourne in order to be signed by a judge in Melbourne, and then to be sent back to the sheriff of the district, and finally sent to the office of the district commissioner. All this occupies a good deal of time, during which the insolvent has an opportunity of making away with his property, and, moreover, it is exceedingly expensive.

4. Is this a necessary incident of that connection, or is it from want of regulations to regulate the progress of business? Could any other system exist under the present arrangement?—It is possible that the judges might make rules which would relieve the system of a great many of these inconveniences, but it is necessarily incident to the system as it at present exists.

5. *By Mr. Fellows.*—It is required by the Act?—It is required by the Act. Then, in consequence of the Supreme Court having the whole of the jurisdiction in insolvency, the commissioner can make no orders ; he is perfectly powerless to direct an insolvent to do anything, except that which he finds in the four corners of the Act. There are many things an insolvent might be directed to do, and compelled to do, by the commissioner, which would tend to the elucidation of his estate, which now he cannot be compelled to do. The Supreme Court has no power to make an order, and the commissioner has no power to make an order. For instance, with regard to furnishing accounts, no application can be made to the Supreme Court to direct an insolvent to furnish accounts, nor can the commissioner compel it ; and yet, sometimes such accounts are absolutely required.

6. *By the Chairman.*—That is rather a defect in the Statute than any defect of the system?—If the Insolvent Court were created, according to the Act, a separate jurisdiction, and got a record, the judge of that court would have the power to make an order.

7. Would it not be consistent, with the connection of the Supreme Court with the Insolvent Court, that the judge of the Insolvent Court should have greater freedom of action?—If the Act provided that he should have such a power—if a provision were inserted in the present Act that the commissioner should have power to make such orders, it might be done.

8. The present bill before the Legislature provides for a great deal of important business being transacted by the judge of the Insolvent Court?—Yes.

9. What previously had to be transacted in the Supreme Court?—Yes, it transfers the primary jurisdiction to the judge of the Insolvent Court.

10. Do you think that it is necessary to the carrying out of a satisfactory jurisdiction in insolvency that the judge of the Insolvent Court should have that extended power?—I do. I think the basis of all reform is a separation between the jurisdiction in Insolvency and the Supreme Court. I do not think there can be any satisfactory reform without it.

11. It appears that the superior judges hold office during good behaviour. Now, it is not contemplated in the bill which is before the Legislature, I think, that any judge of the Insolvent Court should hold during good behaviour ; he would be merely appointed the same as other officers of the Government, as far as I read it?—That is so, I think. He would be in the same position as a County Court judge.

W. B. Noel, Esq.,
continued,
9th July, 1867.

12. Does it occur to you it would be desirable that such very important business should be dealt with in a court where the judge is not as independent as in the superior courts?—I think it would be sufficient that he should be in the same position as a county court judge.

13. *By Mr. Fawcner.*—Do you think his being removable at the pleasure of the Minister of the day would take from his independency?—To a certain extent; but the same argument applies to all the inferior courts. I do not think the business in the Insolvent Court is of such a character as that the argument would apply with greater force to the judge of the insolvent court than any judge of the county court.

14. Could a judge act as independently if he was removable by the mere will of the Minister, as if he was only removable in default of good behaviour?—I think he ought to.

15. Could he? would human nature allow him to?—Perhaps not. I think it would be more desirable that the judge of the county court should hold during good behaviour.

16. *By the Chairman.*—Would not your remarks, as to the delay and expense incident upon the present connection between the supreme court and insolvent court, apply equally to the county courts in connection with the insolvent court under this present Bill? for instance, all the schedules would have to be filed in Melbourne, and certain preliminaries done here, before any local jurisdiction could be acquired?—Under the Bill at present before the Committee the schedule would be sent direct to Melbourne, and it would be sent direct from Melbourne to the district in which the estate was to be administered.

17. After certain proceedings had been taken?—After the judge here in Melbourne had decided whether or not the estate should be administered in the country.

18. Have you any idea how proceedings could be initiated with a view to arrive at that?—I think it would have to be done by a regulation; a rule would have to be invented by which the judge in Melbourne should be guided as to what estates are to be administered in Melbourne and what estates in the country. It would be certainly very undesirable that the judge should decide in each particular case, and not upon any general rule.

19. You think, then, that the judge should not have a mere discretionary power?—Certainly not.

20. *By Mr. Fellows.*—The Act does not prescribe any rule for determining that?—No; that is one of the multitude of things to be done by regulations.

21. Have you seen the new Bill at all to form any opinion of the practicability of it?—I have not seen the last copy of the Bill.

22. Have you had any opportunity of forming an opinion as to the question of the appointment or election of assignees, official or otherwise?—Yes; I read those clauses in the Bill as originally printed.

23. Have you formed any opinion of the desirability of the change proposed, as regards the assignees?—I cannot say that I have formed a distinct opinion upon it. It has been suggested to me that, under this Bill, there would be a period at which the estate would be vested neither in the official assignee nor the trade assignee; but I confess I have not looked at the Bill narrowly enough to satisfy myself whether that would be the operation of it or not.

24. *By Mr. Graham.*—Have you considered the question as to in whom the appointment of official assignee ought to rest?—I should have thought it was better to have left it, as it was, with the Chief Justice—that is, the appointment of the official assignees; the trade assignees can of course be appointed by the creditors.

25. It strikes me that it is a sort of a roundabout way, forwarding the schedule from the country in the first instance to Melbourne, then to be forwarded back from Melbourne to the district. Is there no other way in which a shorter proceeding can be taken?—It might be done by giving the local jurisdiction to the county court judge in all estates where the liabilities are of a certain magnitude; but that position has been objected to by the Melbourne creditors, because they say, in almost all cases the majority of creditors, at any rate in value, would be in Melbourne, and that it is very unfair to them to put them to the expense and trouble of looking after their interest in the country.

26. *By Mr. Fawcner.*—From your experience, is that the case?—I think it is the case.

27. *By the Chairman.*—Supposing that were not the fact, and that this system in the Bill had been made to suit that state of facts—of the Melbourne creditors being far in excess in value over the country creditors, do you think other reasons are sufficient to justify the change proposed to be made in this Bill, conferring the whole of the insolvency jurisdiction of the country upon a central court?—There is no other reason that I know of. It is to remove, if possible, by regulation, the objection which the Melbourne creditors have to the administration of the estates in the country, more particularly where the liabilities are so great.

28. *By Mr. Fellows.*—Though the majority in numbers might be in the country, the majority in value would be in Melbourne?—Yes.

29. *By the Chairman.*—I understand you think the schedule, upon being filed, could, according to regulations, be at once transferred as a mere matter of routine?—As a mere matter of routine.

30. In regard to such regulations as that, the creditors predominating in the country would be a sufficient reason?—I am inclined to think that the estate should be administered where there are the greater number of creditors; and for this reason, that the richer creditor is more able to bear the expense of employing persons up the country to look after his interest. A wholesale merchant having, perhaps, given credit to a storekeeper in the country, to the amount of £1000, is more able to bear the expense of inquiring into the estate up the country than perhaps 50 or 100 smaller creditors in the neighborhood.

31. What reason do you assign for preferring that all schedules should be filed in the one

court at Melbourne?—If the schedule is filed, as a matter of course, in the county where the insolvent resides, the Melbourne creditors object to that as unfair to them. If, however, it is considered that the Melbourne creditors have no cause for making that complaint, then all the schedules might be filed in the district in which the insolvent resides.

W. B. Noel, Esq.,
continued,
9th July, 1867.

32. *By Mr. Fellows.*—Would not it be a public convenience, as a matter of record, that they should be all in one spot, so that there should be no difficulty in ascertaining what court to go to to search for the proceedings?—I think the District Insolvent Court could keep a record—there might be a provision that it should send a copy to the central office.

33. The expense of initiating proceedings in Melbourne need be nothing more than the cost of postage beyond the expense in the country?—No.

34. *By the Chairman.*—Do you approve of an extended local jurisdiction?—I think it is the most difficult question connected with insolvency law. I see hardly any way by which an efficient local jurisdiction can be created, if the jurisdiction be transferred to the county court judges, inasmuch as they are at least one-half of their time absent from the place at which the law is to be administered. It is practically giving local jurisdiction with one hand and taking it away with the other.

35. I see by the Bill which I have before me, which is now before Congress for regulating insolvency jurisdiction throughout the United States, the matter is dealt with there with reference to local jurisdiction by appointing an officer called a Registrar, who must be a barrister of some standing, who shall perform the whole of the routine work, and whenever there is anything in dispute he is to prepare a case which is to be brought under the consideration of the judge. Do you see any objection to the introduction of such a principle here?—It is a very excellent principle.

36. And that this officer may be sent to different courts?—No; I think he must be in one place—he must have an office to which any person can go at any time.

37. *By Mr. Fellows.*—Is there anything required to be done in the administration of an estate out of court by the judge?—Yes; there is the issuing of summonses, the appointment of meetings, and ascertaining assignees' fees, and various matters of routine business of that sort; which, if there was no officer to transact the business of the court, would be at a stand still.

38. *By Mr. Anderson.*—Does not the bill provide machinery by your clerk and other clerks for business of the kind mentioned by the chairman?—Yes, it gives to the chief clerk in Melbourne, and the clerks of the county courts in Melbourne the functions of the registrar.

39. *By Mr. Fellows.*—Without any of the qualifications?—Without any of the qualifications; the chief clerk in Melbourne has been fifteen years engaged in insolvency business, and may be supposed to know something about it; but the clerks of the county court in Melbourne know literally nothing about it.

40. *By the Chairman.*—But supposing that defect were supplied in the country, do you not think that the insolvency jurisdiction might be considerably extended and operate well?—I think so, always provided that there be an officer on the spot to transact the routine business—the necessary business to be done out of court.

41. *By Mr. Fellows.*—The routine business would fall far short of the exercise of the power conferred by this Bill upon the clerks?—I think very little short of it.

42. Receiving proofs, for instance? you would hardly call that routine, would you?—Receiving proofs could hardly be called routine business—it is business that must be transacted by an officer on the spot, because it is impossible to ascertain who are to vote and who are to elect assignees unless they have proved.

43. *By Mr. Graham.*—Are proofs of debt received now other than at a public meeting of creditors?—No, except at a special meeting called for the purpose.

44. If the registrar you propose could not preside at a meeting of creditors, the judge of the county court would preside then?—Perhaps I may be permitted to suppose a case. An order of sequestration is made to-day by the judge of the County Court of Geelong, for instance. He is going to Portland and he will be back in a month; the meeting cannot be held; the trade assignee cannot be appointed; no summons can be issued, nor any inquiry made into the estate for that month; and during that month the insolvent may make away with almost the whole of his property without the creditors having the smallest hold upon him.

45. *By Mr. Anderson.*—Does not the same judge transact county court business at Sale, in Gipps Land?—Yes; I believe so.

46. *By Mr. Fellows.*—Do you think anything could be done by having more than one judge of the court, so as to form a sort of circuit? If there were two judges, do you think one would be able to do the business in the country by going a bankruptcy circuit?—Two additional judges might—one to be always in Melbourne.

47. *By Mr. Anderson.*—Making three in all?—Yes; but there would be difficulties in the way of that, because the judge in Melbourne sequestrating an estate would have no means of knowing, or it would be difficult for him to ascertain where the circuit judge was, or where he would be in order that he might appoint a meeting.

48. *By Mr. Fellows.*—The circuit towns for this purpose would not be so numerous as the county court towns. Could not the meetings be fixed by anticipation, or the place at which the judge would be fixed by anticipation?—Yes.

49. So that there should be periodical courts at different places at certain times of the year?—Yes, that I think might be done.

50. *By the Chairman.*—Would that meet the inconveniences to which you alluded just now in the event of the absence of the judge?—I presume the sequestrations would be all made in Melbourne, and the meeting would be held in Melbourne, and the judge in Melbourne might issue summonses upon application for examination of witnesses in the country.

W. B. Noel, Esq.,
continued,
9th July, 1867.

51. Would not it be attended with considerable expense to the creditors. Every application would be in court?—No; the application would, but the summons need not be in court.

52. The application to fix the meeting and all those things?—No, they might be appointed as they are now, by the clerk—it is merely routine work. The Commissioner now does not himself appoint any meeting: it is all done in the office by one of the clerks.

53. Have you ever considered, with regard to the question of official assignees, whether it would be possible to carry on estates without official assignees at all?—I have no personal knowledge on the subject; but I have been told that the system of trade assignees in England has been found to work very badly.

54. Could you give the Committee any information with regard to the regulations necessary for guiding the practice and general work of the court, taking for a basis the regulations as laid down in this Bill? Clause 45 for instance—"For regulating the practice and procedure of the Court of Insolvency." "For regulating the practice and procedure of County Courts and several forms of petitions." "For regulating the duties of the various officers." "For regulating the mode and terms of deposit;" and so on. Do you think it would be practicable to leave those regulations to be framed by any other body than the Governor in Council?—I think they might be—they ought to be framed by the judge of the court, and might be sanctioned by Parliament rather than the Governor in Council.

55. That is, that they should not have operation before being sanctioned by Parliament?—Not before being sanctioned by Parliament. I say that, because those regulations will be a great deal, and must be a great deal more than mere rules of court.

56. With regard to fees payable, and other things?—The regulations would be at least as bulky as the bill itself. There would be at least 200 or 300 regulations. I may instance that, as the case where it would be a great deal more than a rule of court, the rule by which the estates are to be transferred from the country.

57. Do you see any reason why a rule of that kind, which would be a standing rule, should not be a part of the Act itself?—I think it would be better that it should be part of the Act.

58. And might not a great part of these proposed regulations be embodied in the Bill?—I have not considered the matter sufficiently to say, but I should think a great many of them might be incorporated into the Act with benefit.

59. That would be a labor of very great magnitude, making the regulations, if they are as you suggest?—Yes.

60. Supposing it were practicable, do you think they ought to be framed by the judges? that is, by the judges of the insolvent courts and those having jurisdiction in the country, or by the judge of the insolvent court? that is, what is called the Chief Judge?—I think, probably, that it would be better that all the judges should concur in the regulations, because it might be necessary to vary the regulations in the country districts—to modify the regulations according to the necessities of the jurisdiction.

61. *By Mr. Fellows.*—Have you noticed any evils arising from the existence of official assignees, which you think would be obviated by the system of elected assignees, as regards the administration of estates?—I cannot say that I have. My own opinion is, that official assignees, properly looked after, would administer estates better than any trade assignees.

62. *By Mr. Graham.*—You show the inconvenience of the judges of the County Court being the local judges of the Insolvent Court, as we may say? Is there any other officer you would suggest that might be better adapted to be appointed?—I am inclined to think that the system which was embodied in the *Insolvency Statute* of 1864 might be made to work with satisfaction—that is, that a magistrate should take all the evidence (I am stating the system in general terms), and that it should be sent down to the court in Melbourne to be adjudicated upon.

63. *By Mr. Hightt.*—That would be in the absence of the county court judge?—He would have nothing to do with it. The creditor would apply to the police magistrate in his district for a summons, who would examine the insolvent touching his trade dealings and his estate, and that evidence would be forwarded to the office in Melbourne; and when the insolvent came up for his certificate it might be used against him, in the same way as a Melbourne creditor would do.

64. By examining an insolvent in the country, how would the intermediate details be conducted between bringing him up upon a summons and his application for a certificate? Would he continue to be adjudicated upon before the police magistrate?—No, the police magistrate has to adjudicate upon nothing; he has merely to take evidence.

65. And how as to subsequent proceedings?—All subsequent proceedings would have to be carried on in the court at Melbourne.

66. *By Mr. Fellows.*—It is very difficult to take down in writing, so as to convey, by means of depositions, the impression that oral evidence throws on a subject. Is not that so?—Yes; I think so. This is an attempt to get over the various difficulties of the local jurisdiction.

67. *By Mr. Graham.*—As regards the proof of debt. Would you give the same power to police magistrates to receive proofs of debt? because that is one of the powers proposed to be given to the county court judges?—I think I would not object to an appeal to the judge of the Insolvent Court. There are a vast number of proofs of debt in which there is no difficulty—in which magistrates are quite as competent to admit a proof of debt as to make orders for payment of money. In certain cases there are points of law which are very complicated and important, and which the magistrates might find themselves unable to deal with. Perhaps they might send them to the court in Melbourne.

68. Then your idea would be to substitute the police magistrate for the county court judge?—Yes, the police magistrate for the county court judge. W. B. Noel, Esq.,
continued,
9th July, 1867.

69. *By Mr. Fellows.*—The chief expense attending the administration of insolvent estates, I suppose, is the attendance at meetings of witnesses?—That is the crying evil: the difficulty of getting a witness summoned, and the immense expense of bringing him to Melbourne.

70. *By the Chairman.*—Would not that be very much obviated by allowing the county courts to undertake that?—If the county court judge was always on one spot, there would be no difficulty.

71. There would be stated times at which he would be present?—It is during the intervals that all the evil happens.

72. *By Mr. Fawkner.*—Have you formed any opinion as to whether certificates should not be absolutely refused in certain cases?—In the case of traders who are not prepared to pay a certain dividend, say 2s. in the pound, I would shut the door of the court against them. I should refuse them the benefit of the Act at all.

73. *By the Chairman.*—How would you ascertain that?—I would have an affidavit that it was so.

74. You would not be able to test that until you had gone through all the machinery?—It would be a great check. I think suspending the certificate is no punishment at all.

75. *By Mr. Fawkner.*—According to some of the returns, is it not the case that many estates pay nothing?—In innumerable cases they pay nothing whatever—not a farthing. It would put a great check upon many men who would scruple to fill an affidavit of that sort, if they knew there was nothing like 2s. in the pound.

76. *By Mr. Fellows.*—You would apply it to cases merely of voluntary sequestration?—To traders only; I would not apply it to non-traders.

77. To voluntary sequestration of traders?—Yes.

78. *By Mr. Fawkner.*—Where persons are living upon a fixed salary, should not something be done to make them pay something out of their salaries? they knowing what they have got to spend—not traders?—It has been decided in the bankruptcy courts in England, that that is contrary to public policy; but I believe it is found that the decision of the supreme court here somewhat modifies that doctrine. I know I have, myself, attached as a condition to a certificate of a salaried officer, that he should pay so much to his creditors; but it is contrary to some decisions in bankruptcy in England.

79. *By Mr. Graham.*—I was going to ask you a question in relation to the 231st clause, whereby if an insolvent shall have paid 10s. in the pound, he shall be allowed five per cent. out of such produce, and so on; and if 12s. 6d., he is to get seven per cent. This is quite a new feature, as it seems to me, in insolvency; I should like to hear your opinion on that?—This clause, I believe, is taken from the English Act; and it is intended to encourage insolvents or bankrupts to bring as much assets into court as possible. The rule in the insolvent court here is a very inconvenient one, namely, that the commissioner shall at his discretion order the assignee to allow the insolvent so much.

80. Is it for maintenance?—For maintenance. If that be objected to, the Commissioner must either disregard the objection, or he may state his reasons prematurely for agreeing with it and refusing the allowance. I think the English provision is better. Whether this be too much, I am not prepared to say; but that the allowance given should be calculated upon the amount of the assets, I think, is a good principle.

81. Is not that open to abuse a little? May not a man who is about to file his schedule go and contract other debts previous to doing so (when I say contract other debts, I mean, make large purchases, say in the case of a trader who may make large purchases of goods) immediately before filing his schedule? There might then come a large amount of assets into the estate which, distributed over all the creditors, would give a dividend of at once 10s. in the pound?—You must introduce a proviso that the assets must have been in existence so many months prior to sequestration.

82. Do you think on the whole the principle is a good one?—I think the principle is a good one. I have been very much embarrassed by one rule.

83. I thought, when a man went into the Insolvent Court, he applied at once for maintenance?—It is very rarely indeed they apply at all, because, unless there is something like a dividend, I never grant any allowance, and I put it upon that ground. This is so much thrown back out of his estate for his own benefit; it is to prevent the almost universal practice adopted here of a man making away with his estate or losing his estate until he literally has not a farthing to divide; and then he thinks it time to come and ask for liberation from his debts, when he has put it out of his own power to perform his part of the contract, namely, to distribute his estate.

84. *By the Chairman.*—Is there any information you could give apart from anything that has been elicited by the questions that have been put to you?—There is one thing I should like to mention; this Bill provides that a debtor-summons shall apply to all debtors, which I think objectionable. It is taken from the English Act, leaving out the word "Traders."

85. *By Mr. Fawkner.*—Do you recollect anything else that strikes you that we have not asked you upon?—There is one other matter I should like to mention to the Committee as a very necessary amendment to this Bill, which is omitted—giving the Commissioner power when he has reserved judgment upon the granting of a certificate, to summon the insolvent to hear judgment. The judge, under this Bill, has power to imprison if he considers that certain frauds have been committed, as well as refuse the certificate. If he reserves judgment, the insolvent goes at large; and where it is probable he would be committed to prison, he never comes up to hear the

W. B. Noel, Esq., judgment. There are many persons now in Melbourne who are at large under the same circumstances—people that have never come up to hear judgment. I should like that inserted in the Bill, because it is defying the court, and rendering nugatory all the provisions in regard to imprisonment for fraudulent contract.

86. *By the Chairman.*—Have you no power to issue a warrant?—I have no power to issue a warrant. There is one other matter which I probably ought to mention, in the interpretation clause, the third clause: it says, “An insolvent shall mean any person whose estate shall have been placed under sequestration under any of the Acts hereby repealed.” Under that interpretation, it might be argued that whenever the word insolvent appeared in this Bill, it might be meant to apply to a person whose estate had been sequestrated under the old Acts; and yet, in the preamble it is provided that none of the provisions of this Act shall apply to estates sequestrated under the old Act. It would appear, therefore, that if this interpretation of the word “insolvent” be left as it is, there would be a contradiction between the second clause and the third, which it is impossible to overcome.

87. That is an inconsistency which may be easily avoided?—It may be very easily avoided, but still it is there.

88. Does any other point occur to you?—No, not upon this Bill.

The witness withdrew.

Adjourned to to-morrow at three o'clock.

WEDNESDAY, 10TH JULY, 1867.

Members present:

The Hon. C. SLADEN, in the chair;

The Hon. J. Graham
T. H. Fellows
R. S. Anderson

The Hon. T. T. a'Beckett
W. Highett.

George Brougham Austin, Esq., examined.

89. *By the Chairman.*—You are the chief clerk in the insolvent court?—I am.

90. Have you been many years there?—I have been sixteen in September next.

91. Could you give the Committee some idea of the routine work of an ordinary insolvency?—Of an ordinary sequestration?

92. Yes?—In the first instance it is necessary that the solicitor, before sequestrating an estate, should attend upon the Chief Commissioner, to obtain his assent or approval to the sequestration.

93. That is after the schedule is lodged?—On the filing of the schedule. The proceedings consequent upon the filing of the schedule.

94. *By Mr. Anderson.*—The schedule has to be approved of by the Chief Commissioner?—Yes, it is then necessary for the solicitor, after the Commissioner verbally approves of the schedule, to attend before a clerk in the office to pay the sequestration fees.

95. *By the Chairman.*—What is the nature of that approval?—He must examine the schedule to see that the schedule is in proper form.

96. Is it simply as to form, then?—If there is any appearance of fraud upon the face of the schedule, the Commissioner may call for affidavits to satisfy him. After attending upon the clerk in the office to pay the fees, the solicitor or his clerk must attend before me to have an assignee appointed by ballot. After the assignee is appointed—

97. That is, the official assignee?—Yes. It is then necessary to go before the Commissioner again to get his written approval endorsed on the schedule, for the information of the judge, who signs the order of sequestrations.

98. *By Mr. Anderson.*—That is the judge of the Supreme Court?—Yes, the judge of the Supreme Court.

99. *By the Chairman.*—What time do those steps occupy?—About a quarter of an hour in the office.

100. That can all be done in the same day?—Yes, that can all be done in the same day.

101. *By Mr. a'Beckett.*—Has it to be sent up to the judge from the court?—It is taken by the solicitor who has the carriage of the proceedings until the order is filed.

102. The quarter of an hour you refer to is the quarter of an hour in his office?—Yes.

103. It might be sometime after leaving the office?—Yes, there might be no judge in chambers, and it might not be proceeded with that day, if there was no judge in chambers. The order of sequestration is then signed by the judge.

104. *By Mr. Anderson.*—By a judge of the Supreme Court?—Yes.

105. *By the Chairman.*—That is a matter of course?—As a matter of course; but in some instances the judge may call for affidavits, but it is very rare.

106. *By Mr. a'Beckett.*—The judge sometimes refuses to consent?—Yes.

107. *By the Chairman.*—Is that when he is moved?—No; the judge examines the schedule, and rejects it sometimes. Though the commissioner may have approved of it, it may be rejected or referred back for further affidavits.

108. Does it frequently happen?—Not very often.

109. *By Mr. a'Beckett.*—There was an intimation about Judge Barry the other day, that he would not accept schedules unless a satisfactory explanation was given of the causes of insolvency?—Yes.

110. *By the Chairman.*—Go on, if you please?—After the sequestration of the estate the schedule is then registered in the sheriff's office; after registration it is sent down to the insolvent court; the meetings are then appointed by me, as soon as practicable. The first and second meetings are appointed where the assets are over one hundred pounds, and after the close of the second meeting the third meeting is appointed. The first meeting being held for proof of debts, the second meeting for the examination of the insolvent and proof of debts, the third meeting for proof of debts and to receive the report of the official assignee.

111. Are those meetings ever adjourned?—They are, from time to time, if necessary.

112. So that the first meeting might occupy several days?—It might, if it was adjourned from time to time.

113. *By Mr. Graham.*—Is there not a trade assignee appointed at one of those meetings?—The second meeting.

114. That is, if the creditors wish to have one?—Yes, if the creditors wish to have one.

115. *By Mr. a'Beckett.*—It is an exception to the rule?—Yes, very rarely.

116. *By the Chairman.*—Do creditors mostly attend personally for proof of debts?—Personally, sometimes, or by their solicitors.

117. Can a debt be proved in the absence of a creditor, if it is disputed in any way?—No, certainly not; he must be present to support his claim.

118. *By Mr. a'Beckett.*—Is proof of debt now ever accepted on simple affidavit?—If disputed? No. He must attend to support his claim, if objected to. If the assets are under £100, a first and only meeting is appointed for proof of debts, which may be adjourned from time to time or closed.

119. *By Mr. Graham.*—A certain number of days must elapse between filing the schedule and calling the first meeting, must not there?—No; there is no time specified in the Act; it says, "forthwith."

120. *By Mr. a'Beckett.*—Who is responsible for calling the meeting?—It is a duty that devolves upon me.

121. And you exercise your own discretion as to the time?—Yes, I arrange it according to the nature of the business before the court.

122. *By Mr. Anderson.*—A certain time must elapse between the last meeting and the application for certificate?—Yes.

123. State the time?—When the estate is over £100, there must be an elapse of fourteen days after the close of the third meeting before an appointment can be taken out to apply for a certificate. The insolvent must then give a calendar month's notice in two newspapers published in Melbourne, notifying his intention to apply for a certificate. When the assets are under £100, thirty days must elapse before the insolvent can take out an appointment to apply for a certificate; he must then, also, give a calendar month's notice in two newspapers published in Melbourne, prior to his applying for a certificate.

124. Under what circumstances are proceedings in insolvency published in the *Government Gazette* under the present law, if any?—The clause with reference to the publication of advertisements in the *Government Gazette* has been repealed.

125. And there are no publications of proceedings in insolvency in the *Government Gazette* under the present order of procedure?—No.

126. *By Mr. Graham.*—If I remember right, a certain time must elapse between the second and third meetings?—Twenty-eight days.

127. Fixed by the Act?—Yes.

128. *By Mr. Anderson.*—Is there any fixed time to elapse between the first and second meetings?—No time is prescribed by the Act.

129. *By Mr. a'Beckett.*—In the event of there being no assets, how are advertisements paid?—They are paid at the time of sequestration.

130. By the solicitor?—Yes.

131. You will not accept a sequestration unless a sufficient sum is deposited?—No; they must deposit the advertisement money. The commissioner has power to remit certain fees under the Act.

132. *By the Chairman.*—Must they deposit a certain sum?—Yes, they must deposit a certain sum to meet the revenue fees.

133. How do you determine that?—It is fixed, according to the schedule.

134. What does that amount to?—For sequestrations over £100, £5 4s. 6d.; and under £100, £3 3s.

135. *By Mr. Fellows.*—Is there actually any difference in the cost of the two?—A trifling difference of a shilling or two.

136. How is that?—By the length: one advertisement is a little longer than the other.

137. Under and over £100?—Yes.

138. *By Mr. Graham.*—Under £100 you have only one meeting to advertise?—I am speaking about the sequestration in the first instance. Yes; on appointing the third meeting, the fees are paid by the official assignee out of the estate.

139. *By Mr. a'Beckett.*—Suppose there is no estate?—If there is no estate, there is no fund to do it.

140. Does he pay it out of his own pocket?—No, there is no fund.

G. B. Austin, Esq.,
continued,
10th July, 1867.

141. Does the meeting lapse?—The meeting is appointed, but we have no fund to advertise it.
142. *By Mr. Anderson.*—The meeting takes place without advertisement?—Yes.
143. *By the Chairman.*—How are the people made aware of the meeting?—Merely by the publication of the sheet of meetings that take place; we have no fund to advertise.
144. *By Mr. a'Beckett.*—Where is that sheet published?—By the *Insolvency Circular*.
145. It is through some private information, at least *quasi private*?—Yes.
146. *By the Chairman.*—It is not any part of the machinery of the court?—No; but there is a sheet made up every month of the business of the court.
147. What sum is deposited when the schedule is filed?—Over £100, £5 4s. 6d. is the total amount deposited.
148. And that advertises the first meeting?—Yes. When I say, no funds in the estate, it merely occurs in compulsory sequestrations where we cannot advertise them. In compulsory sequestrations they pay the fee up to the second meeting; the petitioning creditor is responsible for the cost he incurs in prosecuting a sequestration up to the second meeting, but he is not responsible beyond that.
149. *By Mr. Anderson.*—In a voluntary sequestration, where there are funds?—Yes; it is provided for under the fee £5 4s. 6d.
150. But where there are no funds?—The £5 4s. 6d. provides for advertising the third meeting.
151. *By Mr. a'Beckett.*—The petitioning creditor is responsible up to the second meeting?—Yes.
152. At this meeting some person may be appointed a trade assignee?—Yes.
153. *By the Chairman.*—Is there any other expense in filing a schedule besides the deposit of £5 4s. 6d.?—No.
154. *By Mr. Graham.*—Does that include the fees for registration in the sheriff's office?—No; the sum of £5 4s. 6d. includes the fees for advertising all the meetings, but it does not include the fee for holding the third meeting.
155. *By Mr. Fellows.*—Have you the charge of the records of the court?—Yes.
156. Are you able to state whether the applications to search the records of the office are numerous or not?—Yes, they are pretty numerous.
157. Have you any idea of the number of applications per week or per month?—I should think there must be ten or twelve per day; sometimes more, perhaps.
158. Persons searching to ascertain anything relative to the assets, or other purposes?—As to titles, and assets; and creditors, as to their claims.
159. Do you ever find that they come to search in your office for papers relating to insolvencies that have taken place in the Geelong District by mistake?—Very rarely.
160. *By Mr. a'Beckett.*—Are there many insolvencies in which the meetings take place without being advertised?—In none, because the fee is paid in the first instance. I said the third meeting in compulsory sequestrations—only in those cases.
161. But does that frequently happen?—No, very rarely.
162. *By Mr. Graham.*—Are you not bound by the Act to advertise the third meeting?—Yes, we are.
163. Then, if you hold it without its being advertised, it is not a legal meeting?—We have no means of collecting the funds. If the assignee has no funds, we cannot come upon the petitioning creditor, because he is only responsible up to the second meeting.
164. *By Mr. a'Beckett.*—Could not the Commissioner decline to hold the meeting, seeing it is not advertised according to law?—He is bound to hold the meeting.
165. Whether advertised or no?—Yes, it is the duty of the assignee to give notice.
166. The Commissioner does not inquire whether there has been any advertisement or not?—No.
167. *By the Chairman.*—Do you remember any great expense incurred by country creditors by attending the proceedings in insolvency?—There is generally the expense of their coming down, if it is from a distance; there is the trouble and the expense; and, certainly, there are great expenses attendant upon summoning witnesses under the present system.
168. Do you find those witnesses have to be detained frequently any length of time?—No, they are never detained in town; the meeting is adjourned.
169. That is the same thing. Do many witnesses come down who are not examined, and have to attend a subsequent meeting?—It is very seldom they are detained above a day or two.
170. The adjournments are not *de die in diem*?—For three weeks or a month.
171. *By Mr. Anderson.*—And they may have to return?—Yes.
172. *By Mr. a'Beckett.*—And come again?—And come again.
173. *By the Chairman.*—What is the reason, when an adjournment takes place, it is for so long a period?—The nature of the business of the Court may not, perhaps, allow of a meeting the next day.
174. Are those adjournments frequent, or are they the exception?—They are sometimes very frequent, according to the nature and necessity of the case.
175. Are there many cases in which the meetings are held without any adjournment?—Yes, many of them are closed at once.
176. Is that a large proportion or a small proportion?—A large proportion.
177. Probably where there are no assets?—Yes.
178. I suppose, in a case where there is any probability of assets being realised, the meetings are frequent?—Generally.

179. *By Mr. Fellows.*—Contested?—Yes.

180. *By the Chairman.*—Under the present system you cannot transfer the proceedings from one jurisdiction to another?—No; there is no provision for it under the present Act.

181. If a schedule is filed out of your district it must be carried through there?—Yes.

182. *By Mr. Graham.*—You cannot take sequestration of an estate within the district of Beechworth, for instance?—Certainly not.

183. Nor within the district of Geelong?—No.

184. *By the Chairman.*—Would the proceedings be very different in the case of a compulsory sequestration? do the details vary very much?—Not very much.

185. I suppose a good many of the steps in compulsory sequestrations are taken before the Supreme Court?—Yes, in a compulsory sequestration by rule.

186. *By Mr. a'Beckett.*—Is there occasionally much delay in getting those cases disposed of, where rules nisi form the other business of the court?—Sometimes they are contested very hotly.

187. Does the general business of the Supreme Court interfere with the speedy disposing of those cases? would they be more speedily disposed of, if they could be disposed of under the proposed new Bill?—In many cases the rules have to stand over from time to time, until the court can take the business.

188. *By Mr. Fellows.*—Because the court has not time? or because the parties wish it?—Sometimes because the court has not time, and sometimes because the parties wish it.

189. *By the Chairman.*—Where are your records now placed for custody?—In the court in Melbourne, in Collins street. There is a record office attached to the court.

190. Are the records of the local courts kept there?—No; they are all distinct. They go to their own courts, where they have jurisdiction.

191. I understand they do not keep the records, but only keep copies?—They are not sent to us. We have no jurisdiction over the Geelong or Beechworth proceedings; they are distinct jurisdictions.

192. *By Mr. Anderson.*—Do they send any returns of the cases or business brought before the local courts to Melbourne?—No.

193. *By the Chairman.*—The schedules are all filed in Melbourne?—Not for the Geelong or Beechworth districts.

194. *By Mr. Graham.*—They are filed with the sheriff of the district?—Yes.

195. *By Mr. a'Beckett.*—Then the Melbourne creditor must employ some one to search at Beechworth or Geelong, as the case may be?—Yes.

196. *By Mr. Anderson.*—I see schedules advertised as filed at Ballarat and Sandhurst?—That is a mistake. I have seen that too. They are not filed there; I suppose they are registered. They have to register the schedule in the district where the insolvent resides. It is quite a mistake, that.

197. *By the Chairman.*—All those proceedings are records in the Supreme Court, are they not?—Yes, in insolvency.

198. *By Mr. a'Beckett.*—Where are the original schedules deposited?—The original schedules are all filed and kept in the Record Office attached to the Insolvent Court, in Collins street.

199. Do you not have the original schedules sent up from Beechworth?—No.

200. Where are the original schedules kept?—They are recorded at Beechworth.

201. It is only a branch of the Supreme Court at Beechworth and Geelong?—The commissioner has no jurisdiction over the commissioner at Beechworth.

202. But the Supreme Court has?—Yes.

203. Where are the original schedules, then?—The original schedules are at Beechworth, where the proceedings are deposited.

204. *By the Chairman.*—Have you a very large code of regulations?—The rules of practice?

205. Yes?—No, they are not very lengthy.

206. Are they sufficient?—No, I think not.

207. *By Mr. a'Beckett.*—They are of very old standing, are they not?—Yes.

208. *By the Chairman.*—Is it your opinion, that proceedings could be simplified at all by further regulations?—I think, by giving an enlarged jurisdiction to the court, giving the court power to frame regulations, it could be done. At present the judges of the Supreme Court can frame and alter the rules.

209. Is there any difficulty, so far as you are aware, in prosecuting proceedings from the want of fuller regulations?—I hardly think that the regulations would be sufficient to give sufficient power to the Commissioner to carry out the Act.

210. *By Mr. Fellows.*—You mean that the Act is defective rather than the regulations?—Yes, I think so.

211. *By Mr. Graham.*—Have you heard many complaints of delays in carrying insolvency proceedings through the Supreme Court?—Do you mean as regards the summoning of witnesses, or the sequestration of the estate?

212. Any proceedings going up from the Insolvent Court to the Supreme Court—are there delays there?—I have not heard any complaints of delays; they are sometimes unavoidably delayed in consequence of other business having to be prosecuted in Equity—from the number of ecclesiastical and equity cases to be disposed of before the insolvency list can be taken, that may perhaps have to be adjourned for two or three weeks—but I have not heard many complaints.

G.B. Austin, Esq.,
continued,
10th July, 1867.

213. Before the official assignee can pay any dividend, the plan of distribution must be filed and approved of by the Judge of the Supreme Court?—Yes.
214. Then, if there have been those great delays, creditors would be kept out of their dividends for a lengthened period?—Yes.
215. *By Mr. a'Beckett.*—Does the chief commissioner examine that plan of distribution?—Yes; he must assess the compensation to be allowed to the assignee for his care and diligence.
216. And he is supposed to examine the accounts, for the purpose of testing their accuracy in any way?—That is a duty that the commissioner considers devolves upon the Supreme Court.
217. Does the Supreme Court ever examine those accounts?—No, it does not.
218. *By Mr. Fellows.*—Is there any system of audit of the assignee's accounts?—None whatever.
219. *By Mr. Anderson.*—What is the nature and extent of the remuneration received by the official assignees under the present system?—On small amounts, eight per cent.
220. *By the Chairman.*—What do you call small amounts?—Under £100; or larger amounts five per cent.
221. Above £100, five per cent.?—Yes.
222. *By Mr. Fellows.*—What is the largest estate you have had to administer that you know of?—The Provident Institute I think was the largest.
223. *By Mr. Anderson.*—Did the official assignee receive five per cent upon the entire amount realised under that estate?—I do not remember at the moment, what he received.
224. *By Mr. a'Beckett.*—I suppose the court and the commissioner trust very much to the vigilance of the creditors to discover anything wrong in the plan of distribution?—Undoubtedly? the creditors can apply by rule at any time to the Supreme Court.
225. *By the Chairman.*—Is the remuneration the same when a trade assignee is appointed as well as an official assignee?—That is fixed by the commissioner; the commissioner fixes the amount of compensation to the trade assignee at the time he allows it to the official assignee.
226. Is that in reduction of the amount paid to the official assignee?—It depends upon the amount and nature of the work done.
227. A trade assignee has been very rarely appointed, I think?—Very rarely.
228. Have you any idea of the number in a year?—Upon the average, not more than seven or eight in a year.
229. *By Mr. Fellows.*—Out of how many sequestrations?—Out of one thousand or eleven hundred.
230. Do you know the usual amount paid to the trade assignee?—I think about five per cent.
231. The trade assignee?—Yes.
232. Irrespective of the official assignee?—Yes.
233. Have you any idea of the total amount received by each assignee; have you ever made any calculation?—No, I have no means of getting at such information, unless the official assignees were called upon for a return for the yearly amount they receive.
234. *By Mr. a'Beckett.*—The record of proceedings in your court would tell you if you chose to examine them?—Yes, we could get it in that way.
235. *By Mr. Fellows.*—You have nothing to do with the paying of the dividends?—No, that is with the official assignee.
236. *By Mr. Graham.*—I suppose there are many estates going through the court in which the official assignee gets no fee at all?—In many of them nothing whatever, where there are no assets.
237. *By Mr. a'Beckett.*—Is the insolvent expected to put himself in communication with the official assignee?—Yes, within twenty-four hours after the sequestration of his estate.
238. Is that under any order?—I think there is a rule to that effect.
239. *By the Chairman.*—Is there any information you can give to the Committee in relation to the insolvency business as far as it has come within your knowledge?—I think, as regards the present system with reference to the summoning of witnesses, that great expense is produced at the present time from so many attendances having to be made before the judges; nothing can be obtained or summons issued, the Commissioner at the present time having no power to summon a witness without a judge's order has been obtained in the first instance.
240. *By Mr. a'Beckett.*—Can you, under the present law, have examinations under commissions in different districts?—No.
241. *By the Chairman.*—What is the expense of procuring a judge's summons?—About three or four pounds.
242. *By Mr. a'Beckett.*—You think this will be a great improvement, the power to have local examinations which the Bill proposes to give, and making the county courts auxiliaries to the court in Melbourne?—I think that that would be an improvement.
243. It would save the necessity of witnesses coming up from a distance, I suppose, where the witnesses were all living in a particular spot?—It might, if all the creditors resided in that particular district.
244. Or the creditor could be represented by an advocate or agent?—Yes.
245. *By Mr. Fellows.*—Are you aware of the duties proposed to be thrown upon the clerk by the new Bill?—Yes.
246. Comparatively, his duties will be more onerous?—They will be much the same.
247. Of a different kind?—Not much.

248. The proofs of debt?—No, the proofs of debt are not thrown upon the clerk; they are thrown upon the official assignee, and now the proofs of debts are merely received by the clerk under the new Bill as a matter of form for the election of an assignee; they are then handed to the official assignee, who can then review them before the court. G.B. Austin, Esq.,
continued,
10th July, 1867.

249. The clerk would have to decide, upon receiving the proofs of debt, whether they are admissible for the purpose of voting?—Merely according to form.

250. *By Mr. a'Beckett.*—I suppose he examines them by the schedule, to see whether they are as admitted by the insolvent?—No; it merely provides he must receive them in the form provided by the Bill; but if they are disputed by creditors, they are to be adjourned to be settled by the judge.

251. Though they may not be set out in the schedule?—Yes.

252. *By the Chairman.*—There would be a great deal of administrative duty you would have to do, under the new Bill, that you do not now?—Merely for the election of the assignee.

253. *By Mr. Graham.*—Have you read the 26th clause?—Yes. The clause you refer to applies to cases of emergency.

254. *By Mr. Fellows.*—When you speak of the duties being about equal, you mean the duties as far as you can see in the Act?—Yes.

255. Without regard to what may be imposed by regulations?—They would be very numerous under this Act, and we would require a larger staff to carry them out, as regards the detail, no doubt.

256. There would be more work in the office?—Yes; there would be a great deal more work thrown into the office through this Act.

The witness withdrew.

Adjourned to Tuesday next, at two o'clock.

TUESDAY, 16TH JULY, 1867.

Members present:

The Hon. C. SLADEN, in the chair;

The Hon. W. Hightt
J. P. Fawkner

The Hon. J. Graham
R. S. Anderson.

C. B. Brewer, Esq., examined.

257. *By the Chairman.*—You are judge of the County Court of Grant?—I am judge of the County Court of the county of Grant, Warrnambool, and Belfast, Portland and Gippsland. C.B. Brewer, Esq.,
16th July, 1867.

258. Have you a special insolvency jurisdiction?—I have a special insolvency jurisdiction to the extent, I believe, of about one-third of the colony, according to the map.

259. Does that cover Gipps Land?—No, it neither covers Gipps Land, nor does it cover the other extremity of the colony to the westward; it stops short at either North or South Hamilton. It takes in Ballarat, Ararat, Smythesdale, and right up to the Murray.

260. You have had a good many years' experience?—Within a month or two of five years in the insolvency jurisdiction.

261. Could you give the Committee any information as to your experience of the working of the present Insolvency Act? First, with reference to any advantages or disadvantages that may have occurred to you from its being part of the Supreme Court?—If anything, I fancy disadvantages prevail, in the shape of constant reference backwards and forwards. I have just this minute had the opportunity of seeing what the chief commissioner says on that subject, with reference to the inconvenience, and I perfectly agree with him as to the expense and the difficulties; and the difficulty is greater in my jurisdiction, inasmuch as my other duties take me so frequently to the east and to the west. I am not to be found when I am wanted. That is an imperfection that might be remedied by regulations. The regulations were made in the time of Sir William a'Beckett, and they are the only ones under which we have worked. They make it incumbent on the chief commissioner to sign all the rules and documents of every description that are obtained in the department, and in my special jurisdiction this rule applies to me.

262. Have there been no regulations since the time of Sir William a'Beckett?—None, that I am aware of.

263. The inconveniences arising from your being called to different parts of the colony would be incident to any system?—Yes, they would be incident to any system. That is an inconvenience that might be remedied by the mere clerical work required being done by a clerk; but the inconveniences I refer to are the constant necessity of going backwards and forwards causing additional expense. All the schedules and necessary papers, in the first instance, come before me to be certified as correct. They then go to the Supreme Court before a judge, and then to the sheriff, and back again to my office in Geelong.

264. You think that might be remedied without interfering very much with the present law as it stands?—It depends upon which part of the colony it is in; in fact, I do not see how that is to be remedied, except by local jurisdiction to its fullest extent—local jurisdiction in which the whole process may originate and be carried on.

265. Is the schedule at present recorded in the court where it has originated?—It is recorded in the office which has jurisdiction. For instance, the schedules of all cases occurring

C.B. Brewer, Esq., before the chief commissioner are recorded in his office in Melbourne, and all those occurring
continued, before me are recorded in my office, Geelong.
 16th July, 1867.

266. Are you of opinion that the present Act could be altered with a view to remedy any known inconveniences at the present time?—That is a question I could scarcely answer without knowing what kind of inconveniences are referred to. I am of opinion that the present Act might by a few alterations be made to work very effectively; but then there would be required an alteration in the system of administering it.

267. Perhaps you could tell the Committee what the difficulties are?—To a great extent they are these. In the present Act, to begin with, we will take the insolvent himself. He is supposed and directed to divest himself of the whole of his property; and the next step is, to make his appearance before the commissioner, at the first and only meeting where the estate is under £100, and before the commissioner at the second meeting where the estate is over £100—the Act is imperative upon that point—that he shall be. In the exercise of my office as commissioner (I have also communicated with the chief commissioner on the same subject) I have found it absolutely necessary to dispense with this rule, as otherwise the business could not be carried on. The excuse is, “I have no funds,” and “I am sick,” and “it is too great a distance, and it is impossible for me to attend.” In many instances it may be so, and then the estate ought to bear the expense; but in two-thirds of the estates there are no funds whatever.

268. Then you think the Act should not be imperative?—I can scarcely say that, because it is of constant occurrence in the court that the assignee complains that he has been unable to administer the estate, in consequence of the insolvent not being made to attend at any of the meetings; under those circumstances I have adjourned the meeting for his attendance, and I have refused to proceed any further until he has made his appearance. At a certificate meeting I always require the attendance of the insolvent.

269. How do you get through those meetings in case the insolvent does not attend subsequently?—They are finally closed, and the assignee or opposing creditor is obliged to wait till the certificate meeting; then this inconvenience arises, frequently the insolvent does not apply at the proper time for his certificate, and allows the matter to go on indefinitely, but applies perhaps twelve months afterwards, when he thinks the necessity for his attendance may have been forgotten, or the creditors tired out.

270. Does that interfere with the proof of debts?—Only with those proofs of debts that may not be entered in the schedule.

271. In the cases you allude to, perhaps there would be no necessity for proving, as there would be no assets?—That may be alleged, but it would scarcely hold good; for frequently, though no assets are returned, upon the examination of the insolvent, assets are discovered. The consequence is, that creditors who live near enough and have an opportunity, and whose debts are of sufficient value, take the precaution of proving them, not to subject themselves to the further expense of a special meeting.

272. How would you propose to remedy that evil?—The only remedy I can see is local jurisdiction, where not only the insolvency originates, but is carried on to the last stages.

273. Taking the insolvency jurisdiction over which you preside now. You say the difficulty exists now?—It exists in my district, the same as in Melbourne, with the exception of the district of Geelong proper, and in the Geelong district I have found the local jurisdiction to work very well; I have heard very few complaints made by creditors or insolvents, or any persons connected with the court.

274. Do you carry on insolvency proceedings anywhere else in that district than in Geelong?—I can hold a meeting wherever I think proper in my district; but there are no funds provided for travelling expenses, and it would be necessary for the assignee, myself, and others to travel for that purpose.

275. *By Mr. Fawcner.*—If there be no funds, should that man have a certificate?—Yes, certainly, under the Act, he can.

276. Is it your opinion he should have it?—That is another question, which would require serious consideration.

277. If a man wastes the whole of his property, is he entitled to go upon the world and begin afresh?—There are degrees; that is one of those propositions to which I could scarcely give an answer. In many instances, cases have come before me in which persons have suffered sudden misfortunes, or whose whole property has been swept away by something over which they had no control; and I believe it would be a hard case that a man, in such a case should not be allowed to have his certificate,; or, if he has his certificate, that he should be burdened with the debts in beginning the world again—like under the old system, where a warrant of attorney was taken for payment in after times, supposing the man had the means of paying.

278. That only applies to isolated cases?—Very frequently it may be the result of such an accident that there are no funds. As a general rule, I find that a very large proportion of the insolvents merely put in their schedules sufficient assets to justify the judges in granting sequestration; for instance, £2 or £3; and I have not unfrequently found that that is repeated every three or four years.

279. And would you continue that time after time?—Those are cases for which clearly some remedy should be provided.

280. Gambling—a man dealing in nothing but shares and spending every shilling he can get hold of?—Whether dealing in shares would constitute gambling would be question of legal construction. Gambling is one of the causes of refusing the certificate. If a man makes away with his property wilfully, or dissipates his property by gambling or otherwise, the commissioner has power to refuse the certificate altogether.

281. There is a clause in the new Act which says gambling more than £20 a day?—Yes. C.B. Brewer, Esq.,

282. Is that a good criterion to go by?—I should scarcely think so; it would depend on the position of the party. continued,
16th July, 1867.

283. *By the Chairman.*—If I understand you rightly, you say that one of the practical difficulties in working the Act as it stands now is, that you cannot get the attendance of the insolvent at the first or second meetings, and that you think the remedy for that would be by having local jurisdiction?—Yes.

284. I want to understand exactly why your present local jurisdiction does not remove the difficulty you suggest?—What I mean by local jurisdiction is, one within easy access of the place where the insolvent resides at the time of insolvency, where, generally speaking, the majority of the creditors reside.

285. *By Mr. Graham.*—You mean extended local jurisdiction?—Local jurisdiction extended over the colony.

286. *By the Chairman.*—You want greater facilities for carrying you about any district?—I mean there should be a number of extended districts; as for the greater means of my being able to do so, that is quite out of the case.

278. *By Mr. Graham.*—One at Gipps Land, one at Portland, and so on?—Yes, exactly so; and the judge should be empowered to sit at each of the places where he usually sits at his County Court sittings.

288. *By the Chairman.*—Could that be carried out without an increase of the County Court judges?—I do not think it could. As far as I am concerned I find already the work I have to perform is of such a nature as very frequently to cause great disappointment to the public—the sittings of my own court and the Insolvent Court.

289. *By Mr. Highett.*—Would not it be better to give the police magistrates of the various districts powers?—I do not see any objection to it, under the present Bill.

290. Frequent delays must occur if you were to rely upon the judges of the County Court?—Yes.

291. *By the Chairman.*—You think magistrates should be subsidiary to the commissioner, or in place of the commissioner? Do you think that is practicable?—I decline to give an opinion on that point, because it would call upon me to speak of the capacity of gentlemen I do not know.

292. Do you mean that the Insolvent Courts of the country should be separate courts? that is, entirely distinct from any other courts?—I think they should.

293. And that they should have extended jurisdiction in law and equity?—In what respect?

294. With respect to the questions which are now taken by the Supreme Court?—Oh, yes; that, in fact, they should have all the present functions of the Supreme Court in its insolvency jurisdiction, with the exception, of course, of the appeal.

295. Would that be quite consistent with the tenure of the judges of the County Courts and the Insolvent Court?—It may be inconsistent, and it certainly would be much better if the judges of the County Court were during good behaviour, instead of during pleasure; but, practically, I have never found any evil arising from it, though we have a very extended jurisdiction in common law, and a still more extensive jurisdiction in mining matters. Such a thing might occur, but I have never known it to occur.

296. *By Mr. Anderson.*—If this Bill was passed into law, you would be able to transact the work you at present do, in addition to the insolvency work thrown upon you?—Not in the extensive district I have, taking the whole seaboard, eastward and the westward.

297. With your knowledge of the divisions of the rest of the colony, would that apply to any other judge, do you think, but yourself?—I cannot take upon myself to answer that question. I do not know their jurisdictions sufficiently, nor the work that they have to perform. I can only say, with respect to myself, that, in my district, I could not do it.

298. *By the Chairman.*—To what extent do you think the local jurisdiction could be extended? what further provision should be made? what more courts would you make than there are at present?—If the County Court judges are made all judges of the Insolvent Court, and required to perform the work, the jurisdiction would have to be conferred upon them, giving them exclusive jurisdiction in their districts in the same way as I have exclusive jurisdiction in my insolvency district—the Geelong Circuit District. By the Act, I have exclusive jurisdiction in that district, altogether apart from the chief commissioner.

299. *By Mr. Anderson.*—An appeal only lies from you to the Supreme Court?—Yes. None of my acts, in fact, are subject to the control of the chief commissioner at all.

300. *By the Chairman.*—Are you of opinion that your district is too large for any one judge, speaking now entirely of the insolvency jurisdiction, with reference to two points? as to the power of going through the business on the part of the judge, and as to the convenience to the creditors and the insolvents?—The same answer would apply to that that I have given in the first instance with respect to the deficiency of the present Act; that is, that it would only be creating a second jurisdiction in insolvency with the same defects that exist at the present time; that is with the impossibility of the parties attending to watch over their interests. It is not merely the non-attendance of the insolvent, which I have frequently found to be an impediment. In consequence of the great distance parties have to travel, and the enormous expense they are put to if they wish to investigate any fraudulent concealment of property, or any supposed fraudulent concealment of property, or fraudulent practices on the part of the insolvent, I have also found, in many instances, the proceedings, after having been once commenced, have been abandoned.

C.B. Brewer, Esq.,
continued,
16th July, 1867.

301. Would not it be practicable to hold meetings at the different parts of your district, without the necessity of a commissioner attending?—Meetings for the proof of debts might be very well left to the clerk of the court, with a simple proviso, that in the event of any of the parties being dissatisfied with his decision, they could come before the judge at the next meeting of the County Court after the meeting had taken place.

302. That would remove a great deal of the present difficulty?—Undoubtedly. The examinations of the insolvent would have to take place, and also the examination of witnesses. The question is, whether the clerks of the County Courts and the clerks of Petty Sessions have sufficient knowledge of law to enable them to conduct the examinations; I mean, to supervise the examinations.

303. If there were an officer appointed attendant upon the commissioner, to make the round of the different courts, with a view of presiding over such proceedings, would not that meet the difficulty? I mean, a person who, from his education, was competent?—Undoubtedly that would meet all the difficulty; a person who might be sent in that way to each of those places.

304. Then, between the commissioner and a person of this kind, say a barrister of some standing, the insolvency jurisdiction might be thoroughly worked in a district like yours, for instance?—Yes.

305. Without entailing any very great increase of expenditure, taking your particular district in insolvency now?—With respect to my insolvency district, it would be utterly impossible for any judge of the County Court to carry that on if he had to sit in any other place than Geelong, except where he has to sit in performance of his other duties as judge of the County Court, and judge of the Court of Mines.

306. *By Mr. Anderson.*—Are there not very difficult law points occasionally arising in the matter of proving debts?—Not very frequently—such cases may arise—not more than one in twenty, or one out of thirty or forty.

307. But cases do arise?—Cases do arise even to justify an appeal to the Privy Council; but one such case has arisen within my own knowledge in a case of insolvency, that of Rutledge and Company.

308. *By Mr. Fawcner.*—Would not it further the ends of justice if you had power to compel the attendance of an insolvent, even provided funds were provided to pay his expenses?—We have that power.

309. Would not it answer the ends of justice to have him before you at some meeting?—I do not see there would be any difficulty about it at all, because the insolvent and the witnesses might be treated like the witnesses in all Crown cases.

310. But there are no funds, you say?—At the expense of the public—it comes then to the mere question of expense, *dehors* altogether the insolvent estate, and if the Crown chooses, a clause in the Bill might be provided for the payment of the insolvent and witnesses whenever they are summoned, in the same way as Crown witnesses in criminal cases.

311. Do you think it would benefit the public to have a clause of that sort?—I think it would be a great benefit and prevent many of the fraudulent cases that come before the court.

312. *By Mr. Hightt.*—In many instances it is impossible for the official assignee to work an estate without certain information from the insolvent?—I would wish to add with reference to that point to which Mr. Fawcner has directed my attention, that I think it would be a very great public benefit; for very frequently the consequence of the present system is that the creditors themselves or the official assignee initiate all proceedings, where there is any suspected fraud, and half the time it is not carried out properly, on account of the expense being so very great. I am of opinion that in all cases in which there is anything in the shape of fraud under the Insolvency Act, that it should be prosecuted in just the same way as any other fraud from its commencement, at the expense of the Crown.

313. Where there are no assets in an estate?—Whether there are or are not assets in the estate.

314. *By the Chairman.*—Supposing the local jurisdiction were extended as you suggest, how would you manage as regards the official assignee? he would have to be in so many places, would not he? Would you require an increase of official assignees?—That is a question which I have not in any way studied; its what appears before me in court. I have very little knowledge of the working of the official assignee department. It would not create any greater difficulty than at present, as the whole of the work of the official assignee is done by agency, except in the locality in which he resides.

315. Would not the assignee be present for proof of debts and examinations?—Yes.

316. Is that done by agents?—No, because he resides at the place where the court is held, but the agents frequently come down from their places of residence to instruct the official assignee.

317. I take it, if you had more places to which the insolvent would be summoned, and at which meetings of creditors would be held, the official assignee would as a rule be obliged to be present?—Yes, the presence of the official assignee is always required, and he is there to give information to the court, and assist in carrying on the business; but I think that might be obviated to a certain extent by the Act, making it imperative on the creditors to appoint a trade assignee.

318. Do you mean, you would do without an official assignee?—No, he cannot be dispensed with; he is obliged to act as the accountant to the court.

319. Are you aware, under the Bill now before the Imperial Parliament, there are no official assignees?—It may be so in England. I doubt whether it would work here well.

320. The registrar is a provisional trustee, and a trade assignee is appointed in each case?—Yes.

C. B. Brewer, Esq.,
continued,
16th July, 1867.

321. With regard to the extent of local jurisdiction, taking your own insolvency jurisdiction, is that one which one judge, supposing he had no duties outside, could carry on the proceedings of in a district so extensive as the Geelong district, provided he were not called upon to go to other places outside that?—I am of opinion he could.

322. That one judge, assisted by some person competent to preside at the examination of witnesses, would do it?—Yes, I think so.

323. *By Mr. Faulkner.*—There is a clause in the amended Bill that a party, after receiving his certificate, may be called upon to pay something to his creditors. Have you thought of that, whether it would be beneficial to call upon him to pay some part?—That is only an old system revived; that system was in operation in Tasmania.

324. Do you think it would be useful here?—The insolvent being granted his discharge, the discharge was only granted conditionally on his executing a warrant of attorney for the amount of the debts, which warrant of attorney could, at some future period, in the event of his acquiring property, be put into force, upon an application of rule *nisi* and cause shown before the commissioner.

325. Do you think it would be of use here? and if so, to what extent would you advise it?—I can only speak about it from my experience in Tasmania. There I had an experience of fifteen years, and I do not recollect more than a single instance in which it was ever carried into effect.

326. *By Mr. Hight.*—A warrant of attorney would be a mere confession of judgment?—Yes, the consideration of that being this, that if at any future period the insolvent acquire property, upon an application made to the commissioner, and the insolvent having an opportunity of showing cause, in the opinion of the commissioner it appearing that there was sufficient property not only to pay all liabilities incurred since the insolvency, but a fair and reasonable allowance to the insolvent himself, he would make an order for the payment of a certain sum of money.

327. *By the Chairman.*—I understand one of the objections to the district local insolvency jurisdiction is, that the Melbourne creditors fancy that they are in a large majority generally, and it is a hardship and inconvenience to them that schedules should be filed at a distance from Melbourne. Are you aware whether in some districts that is the case—that the Melbourne creditors are in excess?—I have not searched the records derived, but my impression from what takes place before me is, that such is not the fact. Geelong is about the smallest portion of my district, at least, as far as insolvency is concerned—for one insolvency I have originating in the district of Geelong, I suppose there are twenty or thirty almost in the other portions of my district. The principal place from which the insolvencies I have to adjudicate upon come is Ballarat.

328. As a rule, do you think the schedule should be filed where the majority of the creditors reside?—I think the schedule should be filed at the place nearest to that in which insolvent carried on his business. I have frequently found that the result of this not being done is, that one creditor steps in and sweeps off the whole of the property.

329. In the English bill the insolvent is allowed the option of filing his schedule where he pleases. Do you think that is desirable?—Certainly not.

330. In case a schedule were filed in a local court, and it appeared on the face of it that a large number of creditors were resident in some other jurisdiction, do you think that the proceedings under that should be transferred *ipso facto*, or that there should be any discretion as to transfer?—I think not. I think there should not be any discretion as to transfer. I think there should be no transfer at all, more especially if the system is adopted of the proof of debts under the proposed bill by post. The great object which is to be attained by local jurisdiction is the facility of investigating on the spot, where the witnesses and all the parties who in all probability would be called upon to give evidence reside, and the facility there would be in the event of summoning witnesses on an adjournment whom it may be shown to be necessary to examine from the examination of the other parties.

331. *By the Chairman.*—The expense of prosecuting those proceedings would be much less?—Very considerably less.

332. And the convenience of parties would be more consulted, and the meetings would not be so often adjourned?—I believe it would be equally convenient to the Melbourne creditors as to the others, and much less expensive.

333. Have you read the 99th section of the Bill now before Parliament?—Yes, I have read that clause.

334. How do you think that that would be in practice with regard to the transfer of the proceedings from one jurisdiction to another?—I read that clause as only creating additional expense.

335. *By Mr. Anderson.*—Then you are not in favor of it?—Certainly not.

336. *By the Chairman.*—The words “on being satisfied,” in the first line—that appears to create a difficulty which is not intended to exist in the clause. On asking Mr. Commissioner Noel on that point, he suggested that all schedules should be transferred, without any discretionary power on his part, on its appearing on the face of the schedule, or in the affidavit, that there were more creditors living in the country than in Melbourne—“the majority in number,” he said. Would there be any objection to that?—I have taken the opportunity of consulting almost all the professional men, and many of the leading merchants and shopkeepers in my County Court districts, and the universal feeling I have found is in favor of pure local insolvency.

337. *By Mr. Anderson.*—That is, that the schedule should be filed and administered in

C.B. Brewer, Esq.,
continued,
16th July, 1867.

the district in which the insolvent resides?—That the schedule should be filed and administered in the district in which the insolvent resides; and in all probability, nearly all those who would be witnesses, in the event of there being any fraud attempted.

338. *By the Chairman.*—That is, with an increase of effectiveness?—Yes; an increase of effectiveness, with a decrease of expense.

339. That is, to the creditors, not to the country, do you think?—Of course.

340. *By Mr. Anderson.*—Could you give any opinion upon the point as to whether the difficulty of having one court of insolvency might be avoided in carrying on the business in the country districts, by any means which would obviate the objection to the local jurisdiction, such as sending returns from the various localities to Melbourne as the centre where the business is transacted?—It seems to me that there is a very simple remedy; supposing each local court to be a court of record; it should be incumbent upon it to send a duplicate of every proceeding in that court to the Insolvency Court in Melbourne, with the seal of the court.

341. Would that be attended with great expense?—I do not think it would. If all the County Courts were courts of record, the jurisdiction would be so distributed, that really a very little copying in each would carry it out.

342. *By the Chairman.*—I suppose the schedule would be the principal thing?—Yes, the schedule would be the principal thing.

343. Could you not provide for it being filed in duplicate?—Yes, you might provide that it should be filed in duplicate; that it should be stamped with the seal of the court, and the duplicate forwarded to the chief office in Melbourne, after having been examined; and then, as the proceedings progress, that at each stage a copy should be forwarded to be filed, of record also.

344. *By Mr. Graham.*—Proof of debts and the examination of the insolvent?—Yes; the proof of debts could be provided for by requiring them to be put in in duplicate. It would be part of the minutes—one of those printed forms of the examination of the witnesses and insolvents.

345. *By the Chairman.*—The witness proves personally, very frequently?—The court has the power of taking a proof of debt either by affidavit, *vivâ voce*, or otherwise, but in my jurisdiction I have never done otherwise than take it by affidavit; and as to the examination of witnesses, every witness examined in my jurisdiction has all that he says taken down in writing, and read over to him, and signed by him.

346. Then, if you had proceedings of that kind made in duplicate, would not it entail a great deal of work upon the staff?—I think not, when you take into consideration, that there would be, then, some seven or eight additional clerks; and the work would be so distributed, and at so far distant periods, say four times a year or five times a year or so, that there would not be such a great deal of work. I do not see that that would be an insuperable bar.

347. I understood you to say you would not allow proceedings to be transferred under any circumstances, not even by the vote of the creditors?—I cannot see the use of it.

348. *By Mr. Anderson.*—If the majority of the creditors lived in a given place, should they not have the power of having the estate administered in that place?—My opinion is, that the estate should be administered in the district where the insolvent has been living and has contracted the debts, and under no circumstances should it be transferred. In fact, under the present system, the whole business is concentrated in Melbourne and Geelong, and I may say two-thirds of the insolvencies are carried on simply by a party filing his schedule and never making his appearance before a court, or giving himself any trouble until the time for the application for his discharge comes.

349. *By Mr. Fawcner.*—Having the power to compel an insolvent to come would meet that?—Yes. I think there is one thing in the proposed Act which is very beneficial; that is, giving the court the power of dealing with offences against the Act, either by committing the insolvent to take his trial for fraudulent insolvency, or dealing summarily with him.

350. *By the Chairman.*—What is your opinion about regulations as to the practice and procedure of the court? from whom should those emanate?—I think the usual rule ought to apply. All courts, even down to the Courts of Petty Sessions, make their rules and regulations, and the Insolvency Court should not differ from that system. If the present Bill were passed, then I apprehend the proper persons to make rules and regulations would be the chief commissioner and the judges of the County Court; that is, the concurrent judges; and that it should be necessary for so many of them to agree, and that they should be subjected in the ordinary way, to be laid on the tables of the Houses of Parliament.

351. Would that apply to the different objects which are provided for in the Bill? looking at the 45th section?—That would only apply to the first, second, third, and sixth; and the others ought to be provided for by the Act itself.

352. That is to say, the regulation of the fees?—The regulation of the fees, and the regulating of charges, and mode of depositing and investing moneys; those ought to be provided for in the Act itself.

353. Would not the seventh come under the cognizance of the judges?—Yes, seventh; I would apply to a portion of the seventh, but not to the charges.

354. How would you propose that that should be regulated?—By the Act itself, in the nature of a scale of charges of some general description.

355. Do you think that is practicable?—I think so.

356. Number 4, you think that work properly belongs to the Government?—Yes; it is impossible to provide for that in the Act, and the judges ought not to have anything to do with it.

357. Would the fees payable, as provided for in the fifth regulation, fluctuate? Suppose the principle of the court was self-supporting, would not the fees be adjusted in some measure

to the business before the court?—That might be done by legislation. Up to the present time I am not aware of any change having been required in the scale of fees laid down. C.B. Brewer, Esq.,
continued,
16th July, 1867.

358. Are you aware how long that has been in existence?—I cannot say; the Act will speak for itself. It is the same scale of fees that we had before—the old Sydney Act.

359. “Fixing the amount of per centage (to be deducted in each case from the assets, and to be paid into the consolidated revenue) upon the moneys collected and the value of all property realised or recovered by every official assignee.” Who would determine that?—Under the present system, a judge in his discretion determines that. At present, the commissioners, in the first instance, sanction the allowance, subject to its being confirmed by the Supreme Court.

360. *By Mr. Anderson.*—Do the commissioners take any trouble in scrutinising the work done for which they make the allowance?—I have always done so, when it has come before me. I can only speak for myself.

361. *By the Chairman.*—Could you state any objection to the regulations being made by the Governor in Council?—My objection would be, that the Governor in Council could not possibly know what was necessary for the proper working of the court to the same extent as those who administer the Act; or, in other words, that those who administer the Act are the best judges of what is required for the proper administration of the Act.

362. *By Mr. Anderson.*—The Governor in Council would not have the necessary knowledge to form the rules to meet the points?—I doubt whether the Governor in Council would have the necessary knowledge.

363. *By the Chairman.*—Are the regulations under the present Insolvent Act sufficiently copious or explicit for the working of the business?—I have never heard any complaints against them. I have always administered my jurisdiction according to the Act as the best guide.

364. Is it your opinion that the present Act has worked fairly well?—I think the present Act, amended in some particulars, would work very well under a local jurisdiction.

365. Could you point out any principal alterations you think necessary?—One of the principal alterations I should think necessary would be with respect to the jurisdiction in proceeding in respect of an insolvent guilty of any offences mentioned in the Act.

366. I was alluding more to the Insolvent Act as it stands now—our present law?—The principal amendment required would be as I have pointed out all along. I believe, myself, that the inefficient working of the present Act has been mainly attributable to the fact of the concentration of the whole of the business in Melbourne and Geelong.

367. Have you any idea of how many districts would be sufficient to meet the requirements of the colony?—It would be difficult for me to answer that question, inasmuch as I am not aware of the extent of any of the districts except my own.

368. *By Mr. Highett.*—How many separate courts would it require in your own?—In my County Court jurisdictions?

369. Yes?—It would require the separation of Gipps Land from the westward; but, at the same time, if that were done, I could take one or two places beyond my present jurisdiction to the westward. It is scarcely fair to judge at all of the local jurisdictions by my district. The great difficulty of my district is, you have to go eastward and westward, and instead of making four visits a year, continuously one after another, you have to make eight—four one way and four the other.

370. *By Mr. Graham.*—Would four be enough, do you think?—An answer to that question I can scarcely take upon myself to give, because it depends so much upon what other duties the judges would have. The great difficulty that I see with respect to the County Court judges is, that we are compelled by the Orders in Council to visit certain places within given periods, and those places are far distant one from the other; so that, frequently, although if you were to sit continuously at one place, you could get over a great deal more business. So much time is lost in travelling backwards and forwards, it is difficult to make your arrangements; so that I could not answer that question.

371. I am supposing another officer were appointed to preside over the local Insolvent Courts, other than the County Court judge, would four be enough?—Oh, quite; three, I think, then would be sufficient, the judges visiting, and not sitting at one place, but holding courts regularly, like the County Court judges do, at the various places. In point of fact, I would apply the same kind of rule to the working of insolvency, almost, as is applied to the sittings of the County Courts; that the schedule shall be filed at that place where the court sits, which is nearest to the place where the insolvent has carried on business.

372. *By the Chairman.*—Have you ever considered the appointment of official assignees? that is, from whom they should receive their appointment?—No, I have not—that does not come within my cognizance at all.

373. Do you think estates could be administered efficiently by trade assignees only?—I should not like to give an opinion on that point either, as I have already pointed out, I see very little of the working of the Act beyond my own particular branch, inasmuch as the moment my sittings are over I have to go probably somewhere else.

374. *By Mr. Graham.*—Are trade assignees frequently appointed to estates in your district?—I do not recollect a single instance during the time that I have been acting; and I only recollect one attempt, and that fell through, because the requirements of the Act could not be complied with. The Act requires that a majority in number and value may appoint a trade assignee, and in the case that I am now speaking of there was neither a majority in valued number; or, in other words, the majority on one side was in value and in number on the other side; consequently, it fell to the ground and there was no appointment.

375. Therefore, you can give no opinion at all upon the point?—No.

C. B. Brewer, Esq.,
continued.
16th July, 1867.

376. In your experience, the official assignees have worked the estates well, so far as you know?—I have no hesitation in saying, the two gentlemen who have acted under me, from what I have seen, have discharged their duties faithfully and properly. Of course I can only speak of the gentlemen in my own district—Mr. Webster in the first instance, and since Mr. Webster's leaving, Mr. Simpson. I have found them always in attendance, and always prepared and ready to carry out their duties, and carrying them out zealously and effectively.

377. Is there any other suggestion that occurs to you?—I am not at present prepared to make any other suggestion; the Act only came under my notice three or four days ago. I never had a copy of the Bill sent to me.

The witness withdrew.

1867.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

PRECEDENTS:

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE AND APPENDICES.

ORDERED BY THE COUNCIL TO BE PRINTED, 13TH AUGUST, 1867.

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319

EXTRACTED FROM THE MINUTES.

TUESDAY, 6TH AUGUST, 1867.

PRECEDENTS.—The Honorable C. Sladen, with leave of the Council, moved, without notice, That a Select Committee of ten Members be appointed to search for Precedents as to the usage and practice of the Imperial Parliament with respect to grants of money made under extraordinary and exceptional circumstances, and that such Committee consist of The Honorables the President, T. H. Fellowes, W. H. F. Mitchell, W. Highett, J. P. Fawcner, J. F. Strachan, J. P. Bear, A. Fraser, W. Campbell, and the Mover.

Debate ensued.

Question—put and passed.

The Honorable C. Sladen moved, That the Committee have leave to sit during any adjournments of the House.

Question—put and passed.

MINUTE OF THE LATE GOVERNOR.—The Honorable T. H. Fellowes moved, That the Message from the Legislative Assembly, conveying “a copy of the Report from the Committee appointed by the Legislative Assembly, on the 3rd of May in last year, to prepare an Address to His Excellency Sir Charles Henry Darling, and to consider and report on the steps the Legislative Assembly should take with reference to his being relieved from his position as Officer Administering Her Majesty’s Government in this Colony,” be referred to the Committee on Precedents.

Question—put and passed.

TUESDAY, 13TH AUGUST.

PRECEDENTS COMMITTEE.—The Honorable C. Sladen, on behalf of the Chairman of the Committee, brought up a Report from the Committee appointed on the 6th instant.

The Report was read at the Table by the Clerk.

The Honorable C. Sladen moved, That the Report be printed, with the Appendices.

Question—put and passed.

R E P O R T .

THE COMMITTEE OF THE LEGISLATIVE COUNCIL, which was appointed on the 6th August, "to search for Precedents as to the usage and practice of the Imperial Parliament with respect to grants of money made under extraordinary and exceptional circumstances," to which Committee was referred "a copy of the Report from the Committee appointed by the Legislative Assembly on the third day of May in last year, to prepare an Address to His Excellency Sir Charles Henry Darling, and to consider and report on the steps the Legislative Assembly should take with reference to his being relieved from his position as Officer Administering Her Majesty's Government in this Colony," have the honor to make the following Report to Your Honorable House.

1. Your Committee have, in compliance with the instructions of Your Honorable House, searched the journals of the Imperial Parliament, so far as the time at their disposal has enabled them to do so, with regard to exceptional or extraordinary grants.

2. It appears to be the practice in England, that, when any pecuniary grant has been intended to be conferred upon any person who has held high office, or performed some distinguished service, the aid of the House of Commons and the concurrence of the House of Lords are usually invited by Messages from the Crown, after compliance with which invitations the necessary subsequent steps are taken by means, either of a separate Bill, or of a provision in the Appropriation Act. A list of some cases illustrating this practice is submitted in an Appendix (A) to this Report. The latest case, that of a grant to Sir Rowland Hill, has been extracted from Hansard's Parliamentary Debates, the Journals of the period (1864) not having yet been received in the Victoria Parliament Library.

3. It further appears that, whenever it might be reasonably supposed that any grant supported by the House of Commons was likely to be objected to, or had been the subject of enquiry in the House of Lords, it has been the practice, so far as your Committee can discover, to make such grant the subject of a separate Bill in the Imperial Parliament of Great Britain and Ireland. Doubtless the same practice existed before the union with Ireland, as may be inferred from a perusal of Phillips's case in 1781 and 1785, which

Your Committee therefore append to this Report (Appendix B) ; but as the Parliament of Victoria is bound by the Constitution Act (except where otherwise provided for by Joint Standing Order) to resort to the "rules, forms, and usages of the Imperial Parliament of Great Britain and Ireland." it is important to know exactly what has been the practice of that Imperial Parliament.

For this purpose, Your Committee have appended in detail (Appendices B and C) the proceedings in the Houses of Lords and Commons with regard to the case of John Palmer, Esq., to whom, with the concurrence of both Houses, after much discussion, a grant of £50,000 was made by separate Bill in 1813.

It is noticeable that a Committee of the House of Commons had advocated Mr. Palmer's claims in 1797; that a general election took place in 1802, another in 1806, and another in 1807; throughout the whole of which period it was apparently not proposed to make any grant to Mr. Palmer through the Appropriation Act.

In 1807 and in 1808 there was a large majority in favor of Mr. Palmer's claims. Nevertheless, in the latter year, even with regard to "arrears" alleged to be "due" to him, there was a still larger majority in the House of Commons adverse to what Mr. Canning called the "constitutional impropriety" of inserting a grant in the Appropriation Bill, after the Lords had evinced a desire to consider the claim. At no subsequent period did the same house entertain a proposition of the kind; although in 1811 and in 1812 the case was again considered, and on each occasion large majorities supported Mr. Palmer's claims. After a general election in 1812, when the subject was revived, it was dealt with by a separate Bill in 1813; on the rejection of which Bill by the House of Lords, a second Bill so framed as to be acceptable to the House of Lords was brought in in the same session and passed without difficulty.

The details of the case show that Mr. Palmer's claims were founded upon the construction of an agreement by which the House of Commons maintained that a certain per centage was secured to Mr. Palmer throughout his life, although he had been removed from office, while the contrary opinion was maintained in the House of Lords. The voluminous extracts in the Appendices (B and C) show that the case occupied the serious attention of the House of Commons. To the extent above narrated, the constitutional precedent involved in the case bears the approval of five successive Parliaments, and does not appear to have been since disturbed.

4. Your Committee have included in the Appendices the case of a grant to pay the debts of Mr. Pitt, which, it will be seen, was alluded to in the House of Lords when Mr. Palmer's claims were under discussion (Appendix C).

A marked distinction was shown to exist between the two cases. An Address to the Crown, praying that a sum might be advanced to pay Mr. Pitt's debts, was unanimously adopted by the House of Commons on the 3rd February, 1806. No desire to enquire into the matter was evinced in the House of Lords; and (after some lapse of time), on the 26th March, His Majesty intimated his compliance with the Address. In Mr. Palmer's case, when an Address to the Crown, praying for an advance to him, was adopted by the House of Commons in 1811, the House of Lords took exception, and the Crown declined to sanction the advance, it being maintained in both Houses to be unconstitutional to deny to the House of Lords the exercise of their right to deal separately with a matter into which they had enquired, and on which they had expressed an opinion adverse to that of the House of Commons.

It is worthy of remark that, while the House of Commons at all times exhibited large majorities in favor of Mr. Palmer's claims, it also acquiesced, by still larger majorities, in the constitutional principle thus maintained.

The case of the grant to Sir Rowland Hill in 1864 (Appendix A) may be taken as an instance of the practice now prevalent with regard to any exceptional or extraordinary grant.

5. Taking all the foregoing circumstances into consideration, Your Committee are of opinion that the proposal in the Report referred to them, to make a grant to Sir Charles Darling, or to any member of His family, is one which, in accordance with the usage before referred to, should not be included in the Appropriation Act.

J. F. PALMER,
Chairman.

324

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 6TH AUGUST, 1867.

Members present :

The Hon. The President
C. Sladen
J. P. Fawkner

The Hon. W. Campbell
W. Highett.

The Honorable C. Sladen moved, That the Honorable The President be the Chairman of the Committee.

Resolved.

The Honorable The President took the chair.

The Honorable T. H. Fellows entered the Committee-room.

The Honorable A. Fraser entered the Committee-room.

The Honorable J. F. Strachan entered the Committee-room.

Resolved—That a search be made for Precedents as to the usage and practice of Parliament in dealing with exceptional grants of money :—

1. Where the Message recommending such grant has originated without a prior Address from the House of Commons.
2. Where the Message recommending such grant has originated after such an Address.—
(*Hon. C. Sladen.*)

The Committee adjourned until Wednesday, the 7th instant, after the rising of the House.

WEDNESDAY, 7TH AUGUST, 1867.

Members present :

The Hon. The President (in the chair),

The Hon. C. Sladen
W. Campbell
W. Highett

The Hon. J. P. Fawkner
J. P. Bear
T. H. Fellows.

Extracts from the Journals of the Houses of Lords and Commons were laid before the Committee.

Committee adjourned till Thursday, at one o'clock.

THURSDAY, 8TH AUGUST, 1867.

Members present :

The Hon. The President (in the chair),

The Hon. C. Sladen
W. Campbell
W. Highett

The Hon. T. H. Fellows
J. P. Fawkner.

Committee deliberated, and examined the Journals.

Adjourned till Tuesday, 13th inst., at 3 p.m.

TUESDAY, 13TH AUGUST, 1867.

Members present :

The Hon. The President (in the chair),

The Hon. C. Sladen
J. P. Fawkner
T. H. Fellows

The Hon. W. Highett
J. P. Bear.

Draft Report laid before the Committee and agreed to.

Chairman ordered to report this day to the House.

326

PRECEDENTS.

Vol. of Journal.	Page.	Date.	
APPENDIX A.			
THE MARRIAGE OF THE PRINCESS ROYAL.			
L. J. 41.	274	1797 3rd May.	Message from His Majesty to House of Lords, announcing the contemplated marriage between the Princess Royal and the Hereditary Prince of Wirtemberg, stating that "His Majesty is fully persuaded that this alliance with a Protestant Prince so considerable in rank and station, and who is connected with His Majesty's Royal Family by their common descent from the Princess Sophia of Hanover, cannot but be acceptable to all His faithful subjects; and the many proofs which he has received of the affectionate attachment of this House to His Person and Family, leave him no room to doubt of the ready concurrence of this House in such measures as may contribute to the conclusion of this marriage."
C. J. 52.	533	1797. 3rd May.	Message to House of Commons of same import, stating that no room is left "to doubt of the concurrence and assistance of this House, in enabling him to give such a portion to his eldest daughter as may be suitable to the honor and dignity of the Crown." [Vide Approp. Act, 37 Geo. III, cap. 144, for grant, £80,000, marriage portion.]
MR. PITT'S DEBTS.			
C. J., 61	25	1806. 3rd Feb.	Resolved <i>nemine contradicente</i> — An Address to His Majesty * * * "most humbly beseeching His Majesty to advance a sum * * * towards the payment of the said debts."
C. J., 61	171	26th March	Reply to Address (by Lord Ossulston) * * * * "that His Majesty had commanded him to acquaint this House, that he will give directions as desired by the said Address." [See Debate in House of Lords, Appendix C, p. 19.]
LORD LAKE.			
L. J., 46	460	1808. 29th Feb.	Message presented to the Lords, referring to the achievements and services of the late General Lord Lake, and proposing to give and grant the deceased Peer's eldest son, and two next surviving heirs, an annuity of £2000. His Majesty recommends the House of Lords "to concur in enabling His Majesty to grant the same," &c.
C. J., 63	101	24th Feb.	Message to Commons of like import, recommending "to His faithful Commons to consider of a proper method of enabling His Majesty to grant the same," &c. [Vide 48 Geo. III, c. 13.]

Vol. of Journal.	Page.	Date.	
			APPENDIX A— <i>continued.</i>
			LORD WELLINGTON.
L. J. 48.	585	1812. 13th Feb.	Message from Prince Regent to House of Lords, and stating that he "recommends to the House of Lords to concur in enabling His Royal Highness in the name and on behalf of His Majesty, to grant and settle such annuity," [Two Thousand Pounds] "and to make such further provision as aforesaid as may be thought most effectual for the benefit of General the Earl of Wellington and his family."
C. J. 67.	124	1812. 18th Feb.	Message to House of Commons of same import, recommending the House "to enable His Royal Highness to grant and settle such annuity," &c. [<i>Vide</i> 52, Geo. III, c. 37.]
			THE DUKE OF WELLINGTON.
L. J., 49	859	1814 10th May	Message presented to Lords, referring to the signal victories obtained by the Duke of Wellington, which established the independency and safety of Portugal and Spain. The Prince Regent "recommends to the House of Lords to concur in the measures which may be necessary to enable his Royal Highness to grant such annuity to Field Marshal the Duke of Wellington, and the heirs of his body who may succeed to the title of Duke of Wellington, as shall tend to support the high dignity of the title conferred, and be at the same time a lasting memorial of His Royal Highness's feelings, and of the gratitude and munificence of the nation."
C. J., 69	254	10th May	Message of same import to House of Commons, recommending "to His Majesty's faithful Commons to enable his Royal Highness to grant such annuity," &c. &c. [<i>Vide</i> 54 Geo. III, cap. 161.]
			LORD LYNDOK.
L. J., 49.	859	1814. 10th May.	Message from Prince Regent to House of Lords, bringing under consideration the distinguished services of Lord Lyndoch, as Lieutenant-General of the Army in the war in Portugal and Spain, and in order to confer a mark of favor on Lord Lyndoch and his two next surviving heirs, "recommends to the House of Lords to concur in such measures as may be necessary for the accomplishment of this important purpose."
C. J., 69	254	10th May.	Message of the same import to the Commons, recommending "the adoption of such measures as may be necessary for the accomplishment of this important purpose." [<i>Vide</i> 54 Geo. III, cap. 166.]
			LORD HILL.
L. J., 49	860	10th May.	Message from Prince Regent to House of Lords, bringing under consideration the services of Lord Hill, as Lieutenant-General of the Army in the war in Portugal and Spain, and in order to confer a mark of favor on Lord Hill and his two next surviving heirs, "recommends to the House of Lords to concur in such measures as may be necessary for the accomplishment of this important purpose."
C. J., 69.	254	10th May.	Message of same import to the Commons, recommending "the adoption of such measures as may be necessary for the accomplishment of this important purpose." [<i>Vide</i> 54 Geo. III, cap. 165.]

Vol. of Journal.	Page.	Date.	
			APPENDIX A— <i>continued.</i>
			LORD BERESFORD.
L. J., 49	860	1814. 10th May	<p>Message from Prince Regent to House of Lords, bringing under consideration the distinguished services of Lord Beresford, Lieutenant-General of the Army in Portugal and Spain, and in order to confer a mark of favor on Lord Beresford and his two next surviving heirs, "recommends to the House of Lords to concur in such measures as may be necessary for the accomplishment of this important purpose."</p>
C. J., 69	254	10th May	<p>Message of same import to the Commons, recommending "the adoption of such measures as may be necessary for the accomplishment of this important purpose."</p> <p style="text-align: center;">[<i>Vide</i> 54 Geo. III, cap. 162.]</p>
			PRINCESS CHARLOTTE AND PRINCE COBOURG.
L. J., 50	496	1816. 14th March	<p>A Message was sent to both Houses from the Prince Regent, stating <i>to the Lords</i>—</p> <p>"That the many proofs which His Royal Highness has received of the affectionate attachment of this House to His Majesty's person and family, leave him no room to doubt of the ready concurrence of this House in such measures as may contribute to the conclusion of this marriage, and may be suitable to the honour and dignity of the Crown."</p>
C. J., 71	195	14th March	<p>And stating <i>to the Commons</i>—</p> <p>"That the many proofs which His Royal Highness has received of the affectionate attachment of this House to His Majesty's person and family, leave him no room to doubt of the concurrence and assistance of this House in enabling him to make such a provision, with a view to the said marriage, as may be suitable to the honour and dignity of the country."</p> <p style="text-align: center;">[<i>Vide</i> Approp. Act, 56 Geo. III, cap. 142, s. 17.]</p>
			DUCHESS OF KENT.
L. J., 70	42	1837. 11th Dec.	<p>Messages from Her Majesty to both Houses, recommending that provision be made for Her Royal Highness the Duchess of Kent, stating <i>to the Lords</i>—</p> <p>"That Her Majesty relies with full confidence on the zeal and loyalty of the House of Lords, and on their readiness to concur in such measures as Her Royal Highness's rank in station, and increased proximity to the Throne may seem to require."</p>
C. J., 93	192	11th Dec.	<p>And <i>to the Commons</i>—</p> <p>That Her Majesty "recommends this subject to the care of Her faithful Commons, with full confidence in their readiness to adopt such measures," &c., &c.</p> <p style="text-align: center;">[<i>Vide</i> 1 and 2 Vict., cap. 8.]</p>
			MAYNOOTH COLLEGE.
			1845.
			<p>£30,000 for purchasing or providing Houses and Lands for the College was granted by a separate Act.</p> <p style="text-align: center;">[<i>Vide</i> 8 and 9 Vict., c. 25, s. 10.]</p>

Vol. of Journal.	Page.	Date.	
			<p>APPENDIX A—<i>continued.</i></p> <hr/> <p>QUEEN'S COLLEGE, IRELAND.</p> <p>1845.</p> <p>£100,000 for purchasing or providing Lands for the use of the Colleges was granted by a separate Act. [<i>Vide</i> 8 and 9 Vict., c. 66, s. 1.]</p> <hr/> <p>LORD HARDINGE.</p>
L. J., 78	327	1846. 28th April	In the Lords a Message from Her Majesty was presented, in which "Her Majesty taking into consideration the great and brilliant services performed by Viscount Hardinge, a Lieutenant-General in Her Majesty's Army, and the Governor-General of India, in the course of the recent hostilities which have taken place on the banks of the Sutlej and in the Punjaub; and being desirous to confer some signal mark of her favour, for these and other distinguished merits, upon the said Viscount Hardinge, and the two next surviving heirs male of the body of the said Viscount Hardinge, recommends to the House of Lords to concur in such measures as may be necessary for the accomplishment of this purpose."
C. J., 101	582	28th April	Message of similar import, presented to the House of Commons, recommending "the adoption of such measures as may be necessary for the accomplishment of this purpose." [<i>Vide</i> 9 & 10 Vict., cap. 31.]
			<p>LORD RAGLAN.</p>
L. J., 87	277	1855. 2nd July	Message presented to Lords, stating that Her Majesty, taking into consideration the services performed by the late Lord Raglan, Field Marshal in Her Majesty's army, and Commander-in-Chief in the East, in the course of the hostilities in the Crimea; and being desirous to confer some signal mark of favour upon his widow, Lady Raglan, and his son and successor to the title, and the next surviving heir male, recommends their Lordships "to concur in such measures as may be necessary for the accomplishment of this purpose."
C. J., 110	341	2nd July	Message of same import presented to the Commons, recommending "to Her faithful Commons the adoption of such measures," &c., &c. [<i>Vide</i> 18 and 19 Vict., cap. 64.]
			<p>SIR WILLIAM FENWICK WILLIAMS, K.C.B.</p>
L. J., 88	129	1856. 8th May	Message from the Queen to the House of Lords, intimating a desire to confer a mark of favor and approbation upon Major-General Sir William Williams, for distinguished services rendered as Her Majesty's Commissioner in Asia; and recommending "to the House of Lords to concur in enabling Her Majesty to make provision for securing to Sir William Fenwick Williams a pension of One thousand pounds per annum for the term of his natural life."
C. J., 111	186	8th May	Message of like import presented to the House of Commons, in which Her Majesty recommends "the House of Commons to enable Her Majesty to make provision for securing to Sir William Fenwick Williams a pension of One thousand pounds per annum for the term of his natural life." [<i>Vide</i> 19 and 20 Vict., cap. 30.]

Vol. of Journal.	Page.	Date.	
<i>APPENDIX A—continued.</i>			
MARRIAGE OF THE PRINCESS ROYAL.			
L. J., 89	34	1857. 18th May	A Message was presented from Her Majesty respecting the proposed Marriage of the Princess Royal, stating that, "Her Majesty is fully persuaded that this alliance cannot but be acceptable to all Her Majesty's faithful subjects, and the many proofs which the Queen has received of the affectionate attachment of this House to Her Majesty's person and family, leave her no room to doubt of the ready concurrence of this House in such measures as may contribute to the conclusion of the Marriage of her eldest daughter, and may be suitable to the dignity of the Crown and the honor of the country."
C. J., 112	153	18th May	<p>Message of like purport presented to House of Commons:</p> <p>Her Majesty having no doubt "of the concurrence and assistance of this House in enabling her to make such a provision for her eldest daughter, with a view to the said Marriage, as may be suitable to the dignity of the Crown and the honor of the country."</p> <p>[<i>Vide</i> 20 and 21 Vict., cap. 2, and Approp. Act, 20 and 21 Vict., cap. 69, s. 13, for grant, £40,000, for marriage portion.]</p>
SIR HENRY HAVELOCK.			
L. J., 90	11	1857. 7th Dec.	Message from Her Majesty to the House of Lords, recommending it "to concur in enabling Her Majesty to make provision for securing to Sir Henry Havelock a pension of One thousand pounds per annum for the term of his natural life."
C. J., 113	9	7th Dec.	Same to House of Commons, recommending it "to enable Her Majesty to make provision," &c.
	23	1858. 4th Feb.	Committee on Bill discharged and Bill withdrawn.
LADY HAVELOCK AND SIR H. M. HAVELOCK.			
C. J., 113	23	1858. 4th Feb.	Motion to grant annuities and recommendation of Her Majesty to consideration thereof.
	36	8th Feb.	Resolutions reported and agreed to.
	49	11th Feb.	Bill ordered thereupon.
			Bill passed and carried to Lords.
L.J., 90	66	22nd Feb.	<p>Bill passed and message to Commons.</p> <p>[<i>Vide</i> 21 and 22 Vict., cap. 3.]</p>
COUNTESS OF ELGIN AND KINCARDINE.			
Hans. 175	1225	1864. 6th June	<p>Message from Queen to both Houses of Parliament, as follows.—</p> <p>Her Majesty taking into consideration the distinguished services performed by the late Earl of Elgin and Kincardine as Viceroy and Governor-General of India, and being desirous to confer some signal mark of her favor upon his widow, Countess of Elgin and Kincardine, "recommends the House to concur in enabling Her Majesty to make provision for securing to the Countess of Elgin a pension of £1000 per annum for the term of her natural life."</p>
Hans. 175	1264	6th June	<p>Message of same tenor presented:—</p> <p>Her Majesty "recommending to Her faithful Commons that she should be enabled to make provision for securing to the Countess of Elgin a pension of £1000 per annum for the term of her natural life."</p> <p>[<i>Vide</i> 27 and 28 Vict., cap. 31.]</p>

Vol. of Journal.	Page.	Date.	
			APPENDIX A— <i>continued.</i>
			SIR ROWLAND HILL.
Hans. 175	1224	1864. 6th June	<p>Message from the Queen to the Lords, delivered by the Lord President and read by the Lord Chancellor, as follow:—</p> <p>“Victoria R.</p> <p>“Her Majesty taking into consideration the eminent services of Sir Rowland Hill, K.C.B., late Secretary to the General Post Office, in devising and carrying out important improvements in postal administration, and being desirous, in recognition of such services, to confer some signal mark of her favor upon him, recommends it to the House of Lords to concur in enabling Her Majesty to grant Sir Rowland Hill the sum of £20,000.”</p> <p><i>Ordered</i>—That the said Message be taken into consideration on Friday next; and the Lords summoned.</p> <p>Earl Granville moved—</p> <p>“That an humble Address be presented to Her Majesty, to return Her Majesty the thanks of this House for Her Majesty’s most gracious Message, informing this House ‘That Her Majesty, taking into consideration the eminent services of Sir Rowland Hill, K.C.B., late Secretary to the General Post Office, in devising and carrying out important improvements in postal administration, is desirous, in recognition of such services, to confer some signal mark of her favor upon him,’ and to assure Her Majesty that this House will cheerfully concur in such measures as may be necessary for the accomplishment of this purpose.”</p> <p>Address ordered.</p>
Hans. 175	1702	14th June	<p>Message from Her Majesty to the Commons:</p> <p>“ * * * * * and being desirous, in recognition of such services, to confer some signal mark of her favor upon him, recommends to her faithful Commons that she should be enabled to grant Sir Rowland Hill the sum of £20,000.”</p> <p>[<i>Vide</i> Approp. Act, 27 and 28 Vict., cap. 73, s. 16.]</p>
Hans. 175	1263	1864. 6th June	<p>Message from Her Majesty to the Commons:</p> <p>“ * * * * * and being desirous, in recognition of such services, to confer some signal mark of her favor upon him, recommends to her faithful Commons that she should be enabled to grant Sir Rowland Hill the sum of £20,000.”</p> <p>[<i>Vide</i> Approp. Act, 27 and 28 Vict., cap. 73, s. 16.]</p>
			FORTIFICATIONS.
			1864.
			<p>£650,000, for the expenses of constructing Fortifications at Dover and Portland, and creating a central arsenal, granted by a separate Act.</p> <p>[<i>Vide</i> 27 and 28 Vict., cap. 109.]</p>
			APPENDIX B.
			PHILLIPS’ REWARD BILL.
C. J., 38	311	1781. 21st Mar.	<p>Petition from Henry Phillips offered.</p> <p>Lord North, by command, states that His Majesty recommends it to consideration of the House.</p> <p>Petition brought up and read. (<i>Set out in Journal.</i>)</p> <p>Referred to Select Committee.</p>
	467	16th May	Committee reported.
	504	6th June	Report of Committee referred to Committee of Supply.
	506	7th June	<p>Resolution from Committee of Supply:</p> <p>That a sum not exceeding £3600 be granted to His Majesty to be paid to Mr. Henry Phillips, on his making a proper discovery for the use of the public of the composition of his powder for the destruction of insects.</p> <p>That the said sum be issued and paid without any fees or deduction whatsoever.</p> <p>Resolutions adopted by the House.</p> <p>Bill ordered to be brought in upon the said Resolutions.</p>

Vol. of Journal.	Page.	Date.	
			APPENDIX B— <i>continued.</i>
			1781.
C. J., 38	508	8th June	Bill brought in.
	509	"	Bill read a first time, and second time.
	533	21st June	Committed and amended in Committee.
	535	22nd June	Amendments adopted.
	538	26th June	Bill passed, with title "An Act for providing a Reward to Henry Phillips, on his making a proper discovery for the use of the public, of the composition of his powder for the Destruction of Insects."
L. J., 36	330	26th June	Bill read first time.
	332	28th June	Bill read a second time, after long debate.
	334	29th June	House in Committee on Bill, having referred to the Committee a paper on stores damaged by insects.
	335	2nd July	Further papers ordered on the subject.
	341	3rd July	House in Committee on Bill.
	354	10th July	Postponed for three weeks.
	362	18th July	Parliament prorogued.
C. J., 40	596	7th Mar.	Petition as before, and recommended (by the Chancellor of the Exchequer) as before.
	597	"	Petition referred to Select Committee.
	631	14th Mar.	Previous Reports and Papers referred to Committee.
	833	11th April	Report from Committee ordered to lie on the Table.
	1090	20th June	Report from Committee referred to Committee of Supply.
	597		Resolutions reported.
	1092	21st June	Resolution from Committee of Supply— That it is the opinion of this Committee that a sum not exceeding One thousand pounds be granted to His Majesty to be paid to Mr. Henry Phillips on his making a proper discovery, for the use of the public, of the composition of his powder for the destruction of insects,— Agreed to by the House.
	1119	1st July	Bill ordered to be "brought in upon the said Resolution."
	1120	4th July	Bill read first and second time.
	1128	6th July	Bill ordered to be committed.
	1132	7th July	Committed and reported with amendments.
	8th July	Amendments agreed to.	
1135	11th July	Bill read a third time.	
L. J., 37	351	11th July	Bill brought from Commons and read first time.
	368	20th July	Bill read a second time and committed.
	373	25th July	The question was put, "Whether the House shall be adjourned during "pleasure, and put into a Committee on the said Bill?" After debate : It was resolved in the negative. <i>Ordered.</i> —That the said Bill be rejected. [Hatsell, (vol. 3, p. 203, note) states that the proposed grant was not included in the Appropriation Bills.]
			CASE OF JOHN PALMER, ESQ.
			1797.
C. J., 52	579	16th May	Petition from Mr. Palmer, for leave to present a Petition.
	581	"	Leave given. A Petition being offered to be presented, and the said Petition having been stated to be for money relating to Public service, and the same not being recommended by the Crown, the said Petition was not received.
	601	23rd May	Committee appointed on case of Mr. Palmer.
	603	24th May	Copy of Mr. Palmers appointment referred to Committee.
	663	19th June	Committee instructed, That they have power to enquire into the causes of his suspension from the office of the Comptroller General of the Post Office, and that they do report their opinion thereupon to the House.
	676	26th June	So much of the order of 19th June, as directs the said Committee to report their opinion to the House,—Discharged. Committee ordered to report the Evidence.

Vol. of Journal.	Page.	Date.	
			APPENDIX B— <i>continued.</i>
J., 52	682	1797. 27th June	Message asking for leave for Lords Chesterfield and Walsingham, to give evidence.
	725	13th July	Mr. Dundas reports from Committee.
	726	„	Report ordered to lie on the Table.
NEW PARLIAMENT.			
C. J., 62	285	1807. 24th March	Petition from Mr. Palmer offered to be presented. Lord Henry Petty, (by His Majesty's Command,) acquainting the House, that His Majesty, having been informed of the contents of the said Petition, recommends it to the consideration of the House. Petition ordered to lie on the table.
NEW PARLIAMENT.			
C. J., 62	572	1807. 27th June	Petition (<i>set out in the Journals</i>) read.
	575	„	Petition from Mr. Palmer, offered,— Mr. Rose, (by His Majesty's Command,) acquainting the House, That His Majesty, having been informed of the contents of the said Petition, recommends it to the consideration of the House. Petition brought up and read (<i>set forth in Journals</i>). Ordered to lie on the Table.
	596	30th June	Report of Select Committee (of 13th July, 1797). Ordered to be reprinted. Petition again read: referred to Select Committee of thirty-three members, and all the members for Middlesex, Essex, Hertford, Kent, Sussex, and Surrey, and all the knights of shires, merchants, and gentlemen of the Long Robe in the House.
	697	13th July	Report of 1797 referred to the Committee (on which were Mr. Spencer Percival, Mr. Canning, and Mr. Huskisson). Report from Select Committee on Mr. J. Palmer's Petition: That by agreement made in 1784 (modified in 1785), he was to have an appointment in Post Office of £1500 per annum, and allowance of £2 10s. per cent. on future increase of postal revenue beyond £240,000 &c., &c., that Mr. Palmer was paid his salary and per centage from 2nd August, 1784, to 5th April, 1793: that he had still claim to salary and per centage, though not in office. [<i>Report is in full in the Journal.</i>]
	748	20th July	Report ordered to be printed. Report ordered to be considered on 28th July. No further entries found. Parliament prorogued 14th August, 1807.
C. J., 63	256	1808. 11th April	Reports of 1797, and 1807 read, “and a Motion having been made that the said Reports be referred to the consideration of a Committee of the whole House, Mr. Chancellor of the Exchequer (by His Majesty's command), acquainted the House, that His Majesty, having been informed of the subject matter of this Motion, recommends it to the consideration of the House.”
	319	12th May	Reports ordered to be committed on 12th May. House went into Committee. Resolution reported. Question—that the Report be received this day. Yeas, 26. Noes, 51.
	337	16th May	<i>Ordered.</i> —That the Report be received on Monday next. <i>Resolution.</i> —That it is the opinion of this Committee that Mr. Palmer is entitled to his per centage on the net increased revenue of the Post Office beyond the sum of £240,000 to be paid him from the 5th day of April, 1793, and during his life, according to the provisions of the appointment of 1789, deducting the sum of £3000 a year, received subsequent to the 5th day of April, 1793—reported from Committee of whole House. Question—that the said Resolution be now read a second time. Motion made for adjournment. Question for adjournment— Yeas, 87. Noes, 137.
	337	17th May	Resolution read a second time and agreed to by the House. <i>Resolved.</i> —That this House will, on Friday next, resolve itself into a Committee of the whole House to consider of the said Resolution.

Vol. of Journal.	Page.	Date.		
			APPENDIX B— <i>continued.</i>	
C. J., 63	340 353	1808. 18th May	Accounts (in Palmer's case) ordered.	
		20th May	Previous Orders and Resolutions in Palmer's case read :—" The House resolved itself into the Committee, and after some time spent therein, Mr. Speaker resumed the Chair ; and Mr. Fuller reported that he was ordered by the Committee to make a Motion." " <i>Ordered.</i> —That the Report be now received ; Mr. Fuller accordingly reported that he was directed by the Committee to move the House that leave be given to bring in a Bill to secure to Mr. Palmer his future per centage on the net increased revenue of the Post Office, according to the provisions of his appointment of 1789 : " and he moved the House accordingly.	
	360	23rd May	<i>Ordered.</i> —That leave be given to bring in the Bill, and that Mr. Fuller and Mr. Lethbridge do prepare and bring it in.	
	383	30th May	Bill read a first time, ordered to be read a second time on Thursday next.	
	411	9th June	Bill read a second time ; ordered to be committed on Friday next.	
	429	13th June	Bill gone through in Committee and amended. <i>Ordered.</i> —That the Report from the Committee (<i>on Palmer's case</i>) be referred to Committee of Supply.	
L. J., 46	715	14th June	Message ordered to be sent to House of Commons, asking for a copy of the Report from the Committee.	
C. J., 63	434	14th June	Resolution reported from Committee of Supply, That a sum not exceeding £54,702 Os. 7d. be granted to His Majesty to be paid to John Palmer, Esquire, the balance of the per centage due to him on the net revenue of the Post Office, from the 5th day of April, 1793, to the 5th day of January, 1808.	
	435	14th June	Message from Lords.—That the Lords having under their consideration an inquiry into the agreement made with Mr. Palmer, for the reform and improvement of the Post Office, do request that this House will be pleased to communicate a copy of the Report from the Committee, appointed by the House in 1797, to consider of the said agreement.	
	441	15th June	Bill read a third time : Title, "An Act to secure to John Palmer, Esquire, his future per centage on the net increased Revenue of the Post Office, according to the provisions of his appointment of 1789."	
L. J., 46	720	16th June	Bill brought to House of Lords.	
	726	17th June	Special Report of Evidence made from Select Committee.	
	728	17th June	Palmer's Per Centage Bill ordered to be printed.	
P. D., 11	956	20th June	Chancellor of Exchequer gives notice of a motion, the subject of which would be to found a separate Bill upon the Resolution respecting Mr. Palmer's claim, instead of incorporating it in the Appropriation Act.	
L. J., 46	745	21st June	Palmer's Bill rejected.	
C. J., 63	467	23rd June	The House was moved—That the last of the Resolutions which, upon the 14th day of this instant, June, was reported from the Committee of the whole House, to whom it was referred, to consider further of the Supply granted to His Majesty, and was then agreed to by the House, might be read, and the same was agreed by the House, read accordingly, and is as followeth— <i>Resolved.</i> —That a sum not exceeding £54,702 Os. 7d. be granted to His Majesty, to be paid to John Palmer, Esq., being the balance of the per centage due to him on the net Revenue of the Post Office, from the 5th day of April, 1793, to the 5th day of January, 1808. And the motion being made (<i>by Mr. Spencer Perceval</i>), and the question being put—That a Bill be brought in upon the said Resolution : The House divided— Yeas 186. Noes 63. So it was resolved in the affirmative : and That Mr. Chancellor of the Exchequer, Mr. Huskisson, and Mr. Sturges Bourne, do prepare and bring it in. [<i>See Appendix C, Extracts from Parliamentary Debates, Vol. 11 (1808) for debate, p. 1010.</i>]	
		24th June	Mr. Huskisson brought in the Bill.—Read first time.	
		4th July	Parliament prorogued.	
		469		
		481		

Vol. of Journal.	Page.	Date.	
APPENDIX B— <i>continued.</i>			
C. J., 66	357	1811. 21st May	Address—beseeching His Royal Highness to advance to John Palmer, Esquire, the sum of £54,702 Os. 7d., being the balance due to him on the net Revenue of the Post Office from the 5th day of April, 1793, to the 5th day of January, 1808, and to assure His Royal Highness that this House will make good the same to Mr. Palmer—agreed to. Yeas, 107. Noes, 42.
	369	24th May	Prince Regent's answer to Address :— "GEORGE, P.R. "It must at all times be my most earnest desire to attend to the wishes of the House of Commons, and I shall be ready to give effect to them in this instance whenever the means shall have been provided by Parliament." "Carlton House, 24th May, 1811."
	372	25th May	Answer of P.R. to Address read.
	383	30th May	Motion on Address and answer. Motion made and question put, That whoever advised His Royal Highness the Prince Regent to doubt the readiness and sufficiency of this House to make good any sum which, in compliance with its Address to that effect, His Royal Highness shall direct to be advanced, gave advice calculated to disturb that good understanding between the Crown and the Commons which it is of the highest importance to support and maintain. Noes, 161. Yeas, 68. It was therefore negatived.
			1812. 17th June	Resolution of 16th May, 1808, read, And a motion being made that the said resolution be referred to a Committee of the whole House : Mr. Chancellor of the Exchequer, by command of His Royal Highness the Prince Regent, acquainted the House that His Royal Highness having been informed of the subject-matter of this motion, recommends it to the consideration of the House. Ordered—That the said Resolution be referred to a Committee of the whole House.
C. J., 67	432	17th June	
	435	19th June	Resolution considered in Committee. Mr. Jekyll reported that he was directed to make a motion. <i>Ordered</i> —That the Report be now received. Mr. Jekyll accordingly reported, That he was directed by the Committee to move the House, That leave be given to bring in a Bill to secure to John Palmer, Esq., his future per centage on the net increased Revenue of the Post-Office, according to the provisions of his appointment of 1789 ; and he moved accordingly. <i>Ordered</i> —That leave be given to bring in the Bill.
	447	20th June	Bill read first time.
	459	22nd June	Bill read second time.
	476	25th June	Mr. Lushington reported (<i>inter alia</i>) from Committee of Supply a Resolution—"That a sum, not exceeding £78,344 12s. 9d., be granted to His Majesty, to be paid to John Palmer, Esq., being the balance of the per centage due to him on the net Revenue of the Post Office from the 5th day of April, 1793, to the 5th day of January, 1812." Resolution agreed to.
	484	26th June	Foregoing Resolution referred to Committee on Palmer's Per Centage Bill, with an instruction that they have power to make provision therein, pursuant to the said Resolution. Bill reported with Amendments.
	492	29th June	Bill read third time and passed.
L. J., 48	935	29th June	Palmer's Per Centage Bill brought from Commons.
	945	2nd July	Papers in Palmer's case ordered to be printed.
	950	3rd July	Further papers ditto
	953	6th July	Incorrect paper ordered to be withdrawn, "that a correct one may be delivered."
	954	6th July	Bill read a second time, after long debate.
	956	7th July	Bill ordered to be committed.
	977	10th July	Bill reported without amendment.

Vol. of Journal.	Page.	Date.		
			APPENDIX B— <i>continued.</i>	
L. J., 48	984	1812. 14th July	It was moved—That the said Bill be now read the third time. Debate and amendment.	
	1034	30th July	<i>Ordered</i> —That the said Bill be read the third time on this day three months. Parliament was prorogued.	
NEW PARLIAMENT.				
C. J., 68	504	1813. 20th May	The House was moved, That the resolution which upon the 16th day of May, 1808, was reported from the Committee of the whole House, to whom it was referred to consider of the Report which, upon the 13th day of July, 1807, was made from the Committee on the Petition of John Palmer, of the city of Bath, Esquire; and to whom the Report which, upon the 13th day of July, 1797, was made from the Committee appointed to consider of the agreement made with Mr. Palmer for the reform and improvement of the Post Office and its revenue, might be read. And the same was, as agreed to by the House, read accordingly, and is as followeth:— <i>Resolved.</i> —That Mr. Palmer is entitled to his per centage on the net increased revenue of the Post Office beyond the sum of two hundred and forty thousand pounds, to be paid to him from the 5th day of April, 1793, and during his life, according to the provisions of the appointment of 1789, deducting the sum of three thousand pounds a year received subsequent to the 5th day of April, 1793.” On a motion being made, That the said Resolution be referred to a Committee of the whole House—Mr. Chancellor of the Exchequer (Mr. Vansittart) (by command of His Royal Highness the Prince Regent) acquainted the House that His Royal Highness, having been informed of the subject matter of this motion, recommends it to the consideration of the House. <i>Ordered.</i> —That the said Resolution be referred to a Committee of the whole House. <i>Resolved.</i> —That this House will resolve itself to-morrow into a Committee of the whole House, to consider of the said Resolution. <i>Ordered.</i> —That there be laid before the House an account of the per centage due to Mr. Palmer, on the net revenue of the Post Office beyond £240,000, from the 5th April, 1793, to the 5th January, 1813, deducting the produce arising from increased postage and restriction in franking, and also the sum of £3000 a year received during that period.	
	531	31st May	<i>Ordered.</i> —That a Committee be appointed to consider Palmer’s agreement. Bill read a second time.	
		563	14th June	Resolution reported from Committee of Supply—That a sum, not exceeding Eighty-four thousand nine hundred and twenty pounds one shilling and sixpence be granted to His Majesty, to be paid to John Palmer, Esquire, being the balance of the per centage due to him on the net revenue of the Post Office, from the 5th day of April, 1793, to the 5th day of January, 1813. <i>Ordered.</i> —That it be an instruction to the Committee on the Bill to secure to J. Palmer, Esquire, his future per centage on the net increased revenue of the Post Office, according to the provisions of his appointment of 1789; that they have power to make provision therein pursuant to the said resolution. Bill committed and amended.
	568	15th June	Amendments agreed to. [<i>Amendments are set out in the journals at this place.</i>]	
		585	21st June	Bill read third time. Title, “An Act to provide for the payment of the arrears due to John Palmer, Esq., from the net increased revenue of the Post Office, and to secure to him his future per centage on the same, according to the provisions of his appointment of 1789.”
		591	22nd June	
	L. J., 49	524	22nd June	Bill brought from House of Commons. Read a first time.
		572	5th July	<i>Ordered.</i> —That the Bill intituled “An Act to provide for the payment of the arrears due to John Palmer, Esq., from the net increased revenue of the Post Office, and to secure to him his future per centage on the same, according to the provisions of his appointment of One thousand seven hundred and eighty-nine,” be read a second time “this day three months.”

Vol. of Journal.	Page.	Date.		
			APPENDIX B— <i>continued.</i>	
C. J., 68	645	1813. 6th July	A motion being made that this House will to-morrow resolve itself into a Committee of the whole House to consider of the services of John Palmer, Esquire, late Comptroller-General of the Post Office, in augmenting the revenue of the Post Office. Lord Viscount Castlereagh, by command of His Royal Highness the Prince Regent, acquainted the House that His Royal Highness, having been informed of the subject-matter of this motion, recommends it to the consideration of the House. <i>Resolved.</i> —That this House will to-morrow resolve itself into the said Committee.	
	651	7th July	Committee reported.	
	652	8th July	Report of Committee. That a sum not exceeding £50,000 be granted to John Palmer, Esquire, out of the Consolidated Fund of Great Britain, in consideration of the accommodation afforded to the public and the benefit derived to the Post Office revenue from the adoption and execution of his plan for the conveyance of the mails, in full satisfaction of the services performed by the said John Palmer; and that the said sum be issued and paid without any fee or other deduction whatsoever.	
	656	10th July	<i>Ordered.</i> —That a Bill be brought in upon the said resolution. Chancellor of Exchequer brings in the Bill. Bill read a first time.	
	658	12th July	Bill read a second time.	
	661	13th July	Committed and reported without amendment.	
	666	14th July	Bill read a third time. Title—"An Act for granting the sum of £50,000 to John Palmer, Esquire, in consideration of the public services performed by the said John Palmer in the improvement of the Post Office revenue."	
	L. J., 49	615	14th July	Bill brought in from House of Commons.
		618	15th July,	Bill read a second time.
		619	16th July,	Reported without amendment.
653		20th July,	Read third time and passed. Message sent to Commons.	
			Royal Assent given, 21st July, 1813. [See 53 Geo. III., Cap. 157.—which provides "That the sum of fifty thousand pounds shall be issued and paid out "of the Consolidated Fund of Great Britain to the said John Palmer, Esquire, "without any fee or deduction whatsoever, in full satisfaction and discharge for "the services performed by the said John Palmer," &c., &c.]	

APPENDIX C.

MR. PALMER'S CASE.

Briefly recapitulated, the circumstances of this case are as follows :—

Mr. Palmer proposed to Mr. Pitt certain improvements in the Post Office Department.

An agreement was made with Mr. Palmer in 1784 (afterwards modified in 1785) by which Mr. Palmer was to have an appointment in the Post Office for life, with a salary annexed of £1500 per annum, and also a further allowance of £2 10s. per centum on the future increase of the net annual post office revenue beyond £240,000.

By a subsequent appointment dated 11th September, 1789, Mr. Palmer was made Surveyor and Comptroller-General of the Post Office, with remuneration of the same nature (though with some provisos) as before.

Mr. Palmer was paid his salary and per centage from the 2nd August, 1784, to the 5th April, 1793.

At that date (and while Mr. Pitt was in office), in consequence of alleged insubordination and admitted improprieties of conduct Mr. Palmer was removed from office, and an annuity of £3000 was granted to him.

With this sum he was dissatisfied, and his claims were brought before the House of Commons in 1797, as will be seen in Appendix B.

A committee reported on his claims, but the report at that date was merely ordered to lie on the Table.

After Mr. Pitt's death, Mr. Palmer again, in 1807, brought forward his claims. A committee again reported favorably on his claims.

Parliament was, however, prorogued without further action upon them.

In 1808, Mr. Palmer's claims were again brought forward, and a Bill was passed through the Commons for securing to him "his future per centage on the net increased revenue of the Post Office, according to the provisions of the appointment of 1789."

While that Bill was in progress through the Commons, the Lords had instituted an enquiry into his agreement.

The Bill in question was rejected in the House of Lords on the 21st June, but before its rejection the Chancellor of the Exchequer (Mr. Perceval) had given notice on the 20th June that he would, with regard to a Resolution from the Committee of Supply (on Mr. Palmer's claims) move that a separate Bill be founded upon it.

Besides the Bill sent to the Lords, "to secure his future per centage to Mr. Palmer," the Commons had passed in Committee of Supply a Resolution that "a sum not exceeding £54,702 Os. 7d., being the balance of the per centage due between 5th April, 1793, and 5th January, 1808, be granted to his Majesty to be paid to Mr. Palmer."

This Resolution would have been subsequently brought forward in the Appropriation Bill for the year if no other steps had been taken with regard to it; but on the 23rd June, on the motion of Mr. Perceval, the House determined by a large majority that a separate Bill should be brought in upon the Resolution from Committee of Supply.

Hatsell states (Vol. iii, p. 203, note), "This was made a separate Bill upon the precedents above enumerated, for the avowed purpose of affording to the Lords an opportunity of considering that grant distinctly from the other grants of the year; the Lords having on the 21st of June thrown out a prospective Bill for his future per centage."

At the request of Mr. Palmer himself the separate Bill for the arrears was not proceeded with, in 1808, beyond the first reading.

In 1811 Mr. Palmer's claims were again brought forward.

An Address was sent to the Prince Regent beseeching him to advance to Mr. Palmer "*the sum due as arrears.*" The Prince Regent replied that it was his earnest desire to attend to the wishes of the House of Commons, and that he would be "ready to give effect to them in this instance whenever the means shall have been provided by Parliament."

A motion was made (30th May, 1811) condemning the advice tendered to His Royal Highness; but, after debate, a large majority supported Mr. Perceval, and the motion was negatived.

Hatsell states (Vol. iii, p. 195, note) that "The opposers of the motion allowed the existence of the right of addressing for money, but justified the answer in this instance, because the Regent must know that what the Commons resolved to be due as of right, had been denied by the Lords to be due of right, after they had enquired into the alleged contract upon which the right was asserted."

In 1812 Mr. Palmer's claims were again brought forward.

A Bill to secure "*his future per centage,*" passed through the Commons and was sent to the Lords, but was lost by being ordered to be read "this day three months."

While this Bill for securing the "*future per centage*" to Mr. Palmer was in progress in the Commons, a resolution from Committee of Supply was agreed to there, for granting to him £78,344 12s, as "*arrears due,*" and was, on the motion of Mr. Palmer's own friends, referred to the Committee on the Palmer's per centage Bill, no one proposing to include the item in the Appropriation Bill.

In 1813 Mr. Palmer's claims were again brought forward in a new Parliament. A Bill passed through the Commons "to provide for the payment of the arrears due to him," (the arrears at this time were stated to be £84,920 1s. 6d.), and "to secure to him his future per centage. This Bill was taken to the House of Lords on the 22nd June, 1813, and on the 5th July was ordered to be read a second time "this day three months."

On the following day the subject was revived in the House of Commons, and, after the customary preliminary steps, a Bill was passed in that House "for granting the sum of £50,000" to Mr. Palmer.

This Bill provided that the sum of £50,000 so to be paid should be "in full satisfaction and discharge of Mr. Palmer's claims." It passed the House of Lords on the 20th July, 1813, and received the Royal Assent on the following day.

In the following extracts it has not been attempted to give the arguments used on both sides of the question, but to show the grounds on which it was ultimately decided.

[*Extracts from Diary of Lord Colchester.*]

[June, 1808.]

12th.—Wrote the following letter to Perceval in answer to his questions about Palmer's grant:—

[Private.]

Palace Yard, June 12th, 1808.

Dear Perceval,—I have looked into the question which you desired me to consider, and so far as I have been able to discover by my own examination, and the searches of others, the result is this:—

1. No instance occurs in which the Lords have ever amended the Appropriation Acts; and, had they done so, it would have been a direct violation of our rule, established in 1678.

2. If any amendments were made in such a Bill by the Lords, expressly contravening any grant of the Commons, it could not be agreed to by the Commons; nor could a second bill upon the same subject be brought in during the same session.

3. Four instances of short prorogations occur, viz.:—1553, from 21st October, for three days; the Lords having amended the Tonnage and Poundage Acts. In 1689, 24th October, for two days; understood to have been on account of the Succession Bill having been lost in the Lords. In 1707, 8th April, for six days; the Lords having rejected a Bill for importing foreign commodities into Scotland. And in 1721, 29th July, for two days; to allow of bringing in a Bill upon the South Sea business, contravening some other Bills of the same session.

4. In a new session all the forms of the former session must be gone through, viz., King's Speech, Vote of Supply, Estimates, Committee of Supply for Army and Navy, Miscellaneous Services, &c., and also the Committee of Ways and Means, so far as relates to the surplus of the Consolidated Fund. For these purposes the number of days necessarily will be (Sundays included) about twenty-four, by which time another Appropriation Act may be passed. That is to say, if a House can be made every day, and no other controverted question of foreign or domestic policy should occur to create other impediments.

This is the result of all I can find applicable to the subject.

Believe me, ever yours truly,

C. ABBOT.

[June, 1808.]

15th.—Mr. Levy's doubts about the Lord's message respecting Mr. Palmer's agreement occupied my whole morning.

17th.—In the House Perceval told me that he had resolved upon Mr. Palmer's business to keep back the Appropriation Act till it was seen how the Lords disposed of the Bill. That, if they passed it, the rest would follow of course. That, if not, he would not insert the grant into the Appropriation Act, but would have a Committee to search the Lord's journals, and when their disagreement to the Bill appeared, he should, upon that manifestation of the Lords' opinions, not consent to put the grant into the Appropriation Act, but would let it go, if desired, into a special Bill.

18th.—Wrote to Perceval the following letter, and received his answer:—

[Private.]

Palace Yard, June 18th 1808.

Dear Perceval,—Since you spoke to me in the chair yesterday evening, upon the subject of Mr. Palmer's business, and mentioned to me the course you intend to take, I have turned the matter very seriously in my thoughts; and I feel that I ought not to lose any time in acquainting you with my view of it.

If the Lords differ in opinion from the Commons upon the Bill now before them, they will of course exercise their right of throwing it out; and upon the expectation that they will hold the same opinion upon the grant of the sum in gross, which has been voted by the Commons, it will be for the Commons to consider how they will act.

Now it does not appear to me to be right or fitting for the Commons, in such a case, to surrender or abandon their own vote; or that the apprehension of its being rejected by the Lords can justify or excuse them for not maintaining the exercise of their own undoubted right in matter of supply. For the Commons to retract, rescind, or give up their own absolute and unqualified grant of money by not inserting it in the Appropriation Act, and for such a cause, appears to me, as far as I have had the means of information, to be a manifest departure from the uniform practice of Parliament, and an abandonment of the highest privileges of the Commons.

Viewing the question in this light, you will not, I am sure, be surprised that, in the progress of the proceeding, I shall think it my duty, in my situation, openly to declare that opinion, which on every account it will be very painful for me to do. And although I am aware that the circumstance may not, and ought not to vary any determination which you may have come to upon grounds sufficient to satisfy your own judgment, I am very desirous that you should have the earliest and fullest knowledge of my sentiments upon a proceeding which appears to me to be so dangerous and important in its consequences. And I shall ever regret that such an occurrence should have happened in your time or mine.

God knows I have no wish, for your sake or my own, to have an additional session at this time of the year ; but I think that even such an inconvenience cannot be put in competition with those evils which may arise from such a breach in the power and authority of the House of Commons.

Believe me,

Ever most truly yours,

C. ABBOT.

MR. PERCEVAL'S ANSWER.

My dear Mr. Speaker,

Downing-street, 18th June, 1808.

I am much obliged to you for communicating so promptly and so distinctly your opinion upon this very important and embarrassing question. I will give that opinion all the attention in my power. At present, I confess that, in the degree in which I feel the necessity of upholding as undoubted the privileges of the Commons with respect to all grants of supply, I feel it important not to mix in any Bill of general supply separate matters of grant, upon which the Lords may reasonably be supposed to entertain a different opinion from the Commons, and upon which they have an unquestionable right to give their negative.

When that is likely to be the case, and when the Commons, with their eyes open to such a case, do mix such a grant with their general supply for the services of the year, I conceive they do offer a violence to an undoubted right of the Lords, and of the Crown, not to have any question of any sort so tacked to the supply, as to disable them from exercising an unfettered judgment upon the propriety of the grant itself. However, the subject evidently is of extreme importance, and I can only promise that I will give it my best consideration.

I am, my dear Mr. Speaker,

Yours very truly,

SP. PERCEVAL.

[June, 1808.]

19th.—I passed all this morning in searching for precedents upon the question in Mr. Palmer's case, and wrote again to Perceval.

[Private.]

Palace Yard, June, 19th, 1808.

Dear Perceval,—This communication will be more grateful to you than my last ; and so far, I assure you, it is much more satisfactory to myself.

I told you this morning that, if any new lights occurred to me I would not fail to communicate them to you ; and upon resuming my search this afternoon some have occurred which bear materially upon the business in question.

Although it has certainly been the general practice that all absolute and unqualified grants in supply should be inserted in the Appropriation Act, even if they were also made the subjects of separate Bills, yet there appears to have been some exception to this practice, and particularly in the case of Rye Harbour, in 1745 ; the proceeding upon which is so distinct that I have sent you an extract from the journals.

I should also mention the following cases, in which absolute grants have been made by separate Bills, and not inserted in the Appropriation Act ; 1762, Westminster Paving Bill ; 1767, Bill for Additional Building to the House of Commons ; and 1781, Dr. Smith's Compensation Bill ; which Bill was not returned from the Lords. In 1779 there had been a vote of supply to Dr. Smith, but neither a separate Bill nor any mention of it in the Appropriation clause, which must have been irregular. These are certainly exceptions to the general practice, and of these I have also enclosed a note.

How far it may be proper to follow these precedents in the present instance is for you and the House to determine. Considering at the same time the wide gate which this course of proceeding may set open for gradually drawing all the mass of grants of supply, and more especially the various and increasing grants for miscellaneous services, into the form of so many separate Bills, with all the consequent debates, delays, and embarrassments, which such a practice may bring upon the conduct of all the public business in future sessions and future Parliaments.

I am heartily glad, however, that you have given up the idea of searching the Lord's journals for the purpose of bringing their determination forward as grounds for controlling our votes, more especially of supply ; as I think this would have been most subversive of our privileges and independence. When we meet to-morrow you will probably have made up your mind on the whole matter.

Believe me,

Ever most truly and faithfully yours,

C. ABBOTT.

23rd.—House of Commons. Debate on army clothing, and afterwards on Palmer's grant. Perceval brought in a Bill upon the arrears, instead of inserting it in the Appropriation Act, by a division of 186 to 63.

342

[PARLIAMENTARY DEBATES. *First Series, Vol. 11, p. 227, 12th May, 1808.*]

MR. ROSE :—* * * * I must contend that Mr. Pitt acted with signal liberality ; nay, I am almost inclined to call it an intemperate liberality, in allowing Mr. Palmer the very handsome and ample provision which he did : for, by the express wording of the appointment, it must appear that the per centage upon the increased revenue, was a mere stimulus held out to him for more active and enterprising services while in the execution of a specific official trust, and it was only while he continued to discharge the one that he could possibly be entitled to claim the other.

The CHANCELLOR OF THE EXCHEQUER stated (p. 230, *et seq.*) * * * I wish to have the House thoroughly apprised, that in case they acquiesce with the claim now before them, their vote will positively substantiate upon the country a demand for no less a sum than £97,000, immediate payment, and an additional yearly onus of £10,000, during the life of the petitioner ; for such, according to every enquiry which I have made (and very copious information has been returned to me) would be found the smallest remuneration which Mr. Palmer would be authorised to demand of the Treasury, should the grounds of the present petition be admitted and receive the sanction of Parliament. I neither do, nor will attempt to, say that the amount of a debt should ever overturn the justice of it ; or that the magnitude of the sum claimed by Mr. Palmer should operate as any reason for refusing the claim itself, if satisfactorily established.

But when the consideration of amount is coupled with the recollection of Mr. Palmer's faulty and disobedient conduct, then I must say that a pause, a serious and attentive pause, ought to take place before that claim is granted.

Let it be understood that, if the vote of this House establishes the present demand, it will go all the length of operating as a most dangerous precedent, for it will go even to the length of rewarding unworthiness ; at least, if any judgment is to be formed from the evidence upon the table, and indeed it is impossible not to form a judgment upon that evidence—and I am free to say that from the most attentive consideration I can afford to the case—the same reasons which prevailed to dismiss Mr. Palmer from his official trust operated still stronger to cancel the agreement and to annul it for ever. * * * * *

Both the salary and the per centage had only a reference to Mr. Palmer's official situation. The first was given as a specific purchase of his time and personal attendance, and the other was added as an inciting spur to his genius. Both were clearly intended to stand or fall together, and in my opinion it is impossible for any ingenuity of construction to disconnect them. Impressed as I am with this thorough conviction, I cannot do otherwise than give the present claim my decided reprobation.

[PARLIAMENTARY DEBATES. *First Series, Vol. 11, p. 474.*]

The House being in Committee on Mr. Palmer's claim (20th May, 1808)—MR. BANKES then said, that certainly if the House still considered the original agreement as valid and binding, the arrears could only be taken out of that revenue. Now, that revenue was yearly carried to the Consolidated Fund, and therefore out of that fund the arrears must in fact be taken. But he believed that that could only be done by an Act of Parliament, and not by a vote of the House. He might quote many precedents in support of this opinion, and indeed there was even one in the present session, namely, the pension to Lord Lake, which was granted both retrospectively and prospectively, and part of which was in fact for the payment of a debt or arrears from 1803. This mode, then, was not only supported by precedent, but was also important in another point of view, as affording the other House of Parliament, possessed of co-ordinate powers, an opportunity of investigating the whole claims of Mr. Palmer, and thus reviewing the subject, and, perhaps, correcting the opinions of this House. This, he conceived, was much preferable to a simple vote of the arrears in this House, and upon looking back to the journals he had observed that the Lords had in a variety of instances corrected the too profuse liberality of the Commons in granting to individuals, on the score of discoveries. Here the Honorable member mentioned several instances of this sort, and concluded by moving that the word "future" be left out in the motion, for the purpose of having the whole claims submitted to the Lords.

[A note in the volume states, "while strangers were excluded, we understand the Speaker (Mr. Abbott) in a short but impressive speech, supported the claims of Mr. Palmer with his wonted precision and ability."]

[PARLIAMENTARY DEBATES. *First Series, Vol. 11, p. 857, 13th June, 1808.*]

LORD HAWKESBURY observed that, seeing by the votes of the House of Commons that a measure was in progress there relative to the claims of Mr. Palmer, he thought it right to propose to institute an inquiry in their Lordships' House in the meantime respecting those claims. He therefore moved to appoint a committee to inquire into the nature of the agreement entered into by Government with Mr. Palmer * * *

A Committee was appointed accordingly.

[PARLIAMENTARY DEBATES. *First Series, Vol. 11, p. 865, 13th June, 1808.*]

SIR T. TURTON, in the Committee of Supply, after recapitulating the different proceedings on the claims of Mr. Palmer, stated that a sum of about £68,000 had been found due to him by the former Committee, but that the Committee to whom the account of this balance was last referred, had, on a different calculation, reduced it £14,000. * * * *

[PARLIAMENTARY DEBATES. *First Series, Vol. 11, p. 956, 20th June, 1808.*]

The CHANCELLOR OF THE EXCHEQUER gave notice that he would, on Thursday next, submit a motion to the House, the subject of which would be to found a separate Bill upon the Resolution respecting Mr. Palmer's claim, instead of incorporating it in the Appropriation Act.

The Resolution, as reported from Committee of Supply, was—

“That a sum not exceeding £54,702 Os. 7d. be granted to John Palmer, Esq., being the balance of the per centage due to him on the net revenue of the Post Office from the 5th day of April, 1793, to the 5th day of January, 1808.”

[PARLIAMENTARY DEBATES. *First Series, Vol. 11, p. 1010, 23rd June, 1808.*]

The CHANCELLOR OF THE EXCHEQUER rose to move for a separate Bill on that resolution, instead of allowing it to form a part of the general Appropriation Bill. He would state his reasons for making this proposition, of which he had given due notice, that it might not appear to be a sudden measure. The ordinary course of the House was to put all the grants of the year into the Appropriation Bill; but, in adopting the course which he was about to recommend, the House would not act in an unparliamentary or an unprecedented manner. If there ever was a case in which the ordinary course should be deviated from, it was the present, for very strong reasons, which he would distinctly show. With respect to the precedents on this subject, he would submit to the House a great variety of them. In the first place, he would state a number of cases of grants voted in the Committee of Supply to private individuals, with conditions annexed to them, some of which had been carried into effect solely by a separate Bill, while others had been incorporated into the Appropriation Act. The first that he would mention, was a vote of the House in a Committee of Supply, on the 10th of April, 1739, of £5000 to Mrs. Johanna Steele, on condition that she would, with all convenient speed, make discovery of her remedy for curing the stone. This vote was carried into effect by a separate Bill, and did not appear in the Appropriation Act. Another vote was on the 28th of January, 1731, of £14,000 to Sir Thomas Blome, as a recompense for the introduction of organzined silk into this country, on the condition that he should produce the models of his mills. This vote was carried into effect by a separate Bill, but did make its appearance in the Appropriation Act. £5000 had been voted, in a Committee of Supply, to the family of Mr. Harrison for his time-piece, on the condition that his executors should, as speedily as possible, explain its construction. This vote was carried into effect by a separate Bill, and was also incorporated in the Appropriation Act. £3600 had been voted, in a Committee of Supply, to Mr. Phillips, on the condition of his discovering the composition of a powder for destroying insects. This vote was carried into effect by a separate Bill, which was lost in the Lords, and it did not appear in the Appropriation Act. Two or three years afterwards Mr. Phillips renewed his application, and the House of Commons, in a Committee of Supply, voted him £1000. This vote was carried into effect in a separate Bill, which Bill was also lost in the House of Lords, and it did not appear in the Appropriation Act. Thus it appeared that, out of these five cases, the House adopted one course in three instances, and another course in the remaining two. The same variety of proceeding would appear on an examination of different grants that had been voted for public purposes. In some cases these votes had been carried into effect solely by separate Bills; in others, they had been incorporated in the Appropriation Act. For the construction and improvement of Westminster Bridge, various sums had been voted at different periods:—On the 13th of May, 1742, £20,000; on the 24th ———, 1754, £25,000.

In both these cases the votes had been carried into effect in separate bills, and had not appeared in the Appropriation Act.

On the 27th of June, 1742, £25,000; in 1743, £25,000; in 1754, £2500; all which had been carried into effect by separate bills, but had also been incorporated into the Appropriation Act. It was evident, therefore, that in these instance, all relating to the same object, the House had been influenced solely by convenience. There were various other similar grants. On the 2nd of March, 1756, £10,000 for widening the streets of Westminster; and in May, 1758, £10,000 for repairing Milford Haven; which votes were carried into effect by separate bills, although they appeared in the Appropriation Acts. In 1759, £10,000 for Milford Haven; on the 9th of May, 1759, various sums as compensation for the purchase of lands at Portsmouth and Plymouth; on the 23rd of March, 1762, 5000 for paving Westminster; and on the 14th of April, 1767, £2000 additional for the same purpose. All these votes were carried into effect by separate bills, and did not appear in the Appropriation Act. From these various cases it was clear that, not only on private but on public grants, the House had always exercised its own option on the mode of proceeding. But there was another class of cases more nearly resembling that under consideration. They were the grants which had been made without any condition

annexed. On the 23rd of December, 1707, £2120 18s. 6d. had been voted in a Committee of Supply as due to Captain James Roach, for the arrears of the rent of forfeited estates in Ireland, granted to him by Act of Parliament. This vote was carried into effect by a separate bill, and did not appear in the Appropriation Act. On the 28th of January, 1752, £112,143 was voted to the African Company, as a compensation for the loss of their chartered lands. This vote had been carried into effect by a separate bill, and was not incorporated into the Appropriation Act. But one of the most material cases to which the House ought to attend was that of Rye Harbour. On the 25th of February, 1745, the Committee of Supply voted a grant to His Majesty of £23,360 out of the Sinking Fund, to enable the Commissioners of Rye Harbour to complete the works. The Appropriation Bill was subsequently brought into the House, but this grant was not included in it; and the Committee upon it on the 8th of April was adjourned to a late hour, for the purpose of allowing the vote of money for Rye Harbour to be made the subject of a separate bill. Another case had occurred in 1779, of a grant upon the petition of Dr. Smith, as a reward for his having attended sick prisoners in London and Westminster. That petition had been, with some counter petitions, referred to a Committee, which made no report. In the year 1781 the petition was renewed, and, on the report of a Committee, a bill was brought in, and passed the House of Commons, for granting £1200 to Dr. Smith, which bill was never returned from the Lords. It was impossible, after what he had stated, to contend that it was not perfectly competent to the House to carry its vote into effect, either by separate bill or by its insertion in the Appropriation Act. The grant had been voted on grounds not satisfactory to his mind, and though he still retained his former opinion, it was not upon that he proposed the present course.

The House had a discretion, and it remained to be considered under what circumstances the House would be disposed to proceed, by a separate Bill, or by including the grant in the Appropriation Act. If no other motive would apply, the course that would be most convenient would be most desirable. In ordinary cases where there was not likely to be any difference of opinion elsewhere, it might be proper to insert the grant in the Appropriation Act. But if there should be any fair reason to suppose such a difference of opinion to exist in that other quarter, that would be good ground for taking the grant out of the Appropriation Act. The vote proceeded upon an assumption of an agreement between Mr. Pitt and Mr. Palmer, and then assumed that nothing had happened to defeat such contract, and that a Bill should be brought in to carry the contract into effect. That House knew that the other House had the matter under their consideration, by having received a message from it, requiring a communication of the evidence upon which they had passed the Bill for granting the annuity to Mr. Palmer.

Having, by sending up that Bill to the other House, given it an opportunity of exercising an unrestrained judgment upon one part of the case, they should not, by inserting this grant in the Appropriation Bill, reduce the other House to the alternative of either acceding to a grant of which it disapproved, or of rejecting the appropriation of the supplies of the year.

The right honorable gentleman then quoted the authority of Mr. Hatsell (Vol. iii.) to show that tacking one measure to another for the purpose of forcing another branch of the Legislature to accede to it, was highly irregular, and a breach of the practice of Parliament; but that to do this with a knowledge that the part so tacked was disagreeable to the other branch of the Legislature was highly dangerous and unconstitutional. He admitted that this doctrine had been applied by Mr. Hatsell to the tacking to money bills measures unconnected with the Supply, but contended that the principle extended to preclude the House from any course that would reduce the other House to the alternative he had stated. If, therefore, the House should see no reason, founded upon Parliamentary usage, for declining the course he had to propose, why insert the grant in the Appropriation Act, why clog the supplies of the year with a measure that would endanger their passing the other House? The proposition upon which the grant rested was one on which not only the present House of Commons entertained a difference of opinion, but a former House of Commons had rejected. And there was as much reason to think that any other assembly would differ from the present House of Commons, as that the former House of Commons had differed from it. If ever there had been a case in which the grant should be carried into effect by a separate Act, it was the present. He should ask any honorable member to show any case in which two votes, founded on the same principle, had been carried into effect, one by a separate Bill, the other by insertion in the Appropriation Act. If there was no similar case, then this was a new case, and it was competent to the House to exercise its discretion upon it. The House would therefore decide whether, under all the circumstances of the case, it would prefer the separate or the general Appropriation Act. He should move that a Bill be brought in pursuant to the resolution of the Committee of Supply.

MR. ROSE said that, if there was a necessity for more precedents, he could certainly produce them. The object of this motion was to give the Lords an opportunity of judging of the merits of Mr. Palmer's claim. The majority of grants made to individuals were by separate Bills, and not by a clause in the Appropriation Act.

MR. CANNING "insisted on the constitutional impropriety of sending the present business to the Lords otherwise than in a separate Bill."

[A separate Bill having been ordered, and having, on the 24th June, been read a first time]—

The CHANCELLOR OF THE EXCHEQUER stated on the 25th June, 1808 (Parl. D., vol. 11, p. 1084), that it was not his intention to move the second reading of Mr. Palmer's Bill. A

communication had been made to him that it was not the wish of Mr. Palmer that any further step should, at present, be taken on it; therefore, agreeably to what he had said last night, he should not proceed further in the Bill.

[PARLIAMENTARY DEBATES. *First Series, Vol. 20, p. 268.*]

House of Lords.—Wednesday, 22nd May, 1811.

The EARL OF RADNOR called the attention of the House to the votes of the House of Commons of last night, by which it appeared, that an Address had been voted to the Prince Regent, praying his Royal Highness to order the sum of £54,000 to be paid to Mr. Palmer. He wished particularly to call the attention of their lordships to this circumstance, they having, on a former occasion, decided against the claim of Mr. Palmer.

The EARL OF LAUDERDALE observed, that the proceeding alluded to by the noble earl was inconsistent with the dignity and independence of that House, as a separate branch of the Legislature, namely, the voting, by address, of a considerable sum of money to an individual in a way in which their lordships could not regularly exercise their controlling or separate power as an independent branch. There were not many instances of proceedings of this kind. The last within his recollection was when the House of Commons, in a fit of enthusiasm towards a great and illustrious character in this country, voted the payment of his debts. That was a case of a very different nature. There the House had not given any previous opinions. In the present instance, the Commons knew the decision of the House upon the subject, and that decision was, in the greater part, upon evidence communicated to their lordships by the Commons. It was a question of right upon which the House (the supreme court of Judicature) had decided. Let their lordships consider in what a situation they were placed. He could not devise a more flagrant case. The claims of Mr. Palmer had no just foundation; and the bringing forward again the subject so many years after the death of Mr. Pitt, who treated with that gentleman on the part of the public, was at least suspicious. It was what he could not have expected, and he regarded the proceeding as most unjust.

The EARL OF MORIA entertained a very different sentiment from his noble friend, as to the case of Mr. Palmer. The contemplation of no case whatever gave him so much pain as that, as he thought the principles of justice were far departed from. The procedure in that House upon that occasion was what he highly disapproved. Ought that House to have proceeded upon evidence stated before the Commons? He retained his former sentiments as to the justice of Mr. Palmer's claims, and never could he hear the subject mentioned without expressing those sentiments. This, however, was a point distinct from that first touched upon by his noble friend, a point upon which he would, at present, offer no opinion.

The EARL OF HARROWBY expressed his satisfaction that the late proceeding of the Commons had been so properly noticed in that House, and on the earliest possible opportunity. With reference, however, to his own convictions upon the subject, and the deliberate decision of the House upon it, he could not possibly hear what fell from the noble earl who spoke last without entering his protest against it. Their lordships had decided, after the most full and deliberate consideration of the subject, not only upon evidence transmitted by the House of Commons, but on further and original evidence laid before their lordships. After what had taken place, he, for one, thought the subject would never be brought forward again. He could not avoid expressing his surprise at hearing from the noble earl the comparison he had made between the vote of compensation to Mr. Palmer and the vote for the payment of the debts of Mr. Pitt. In the last case, it was not what had been termed fancy or generosity; it was a testimony due to the great public services rendered. It was the tribute of a grateful country to the greatest man that country had ever produced, from that country which he had saved. The vote for Mr. Palmer went to give a recompense where punishment was deserved.

The EARL OF LAUDERDALE rose to explain. He had not used words bearing the construction the noble earl had put upon them. Whatever difference of opinion he entertained from the noble earl respecting the public character and merits of the noble earl's illustrious and great friend, he never brought that grant into comparison—far less into a precedent—with respect to the case of Mr. Palmer; and that must be the more evident to the noble earl, who was entirely in possession of his sentiments on the latter case.

The LORD CHANCELLOR observed, that he was one of the majority who had voted against Mr. Palmer's claims; and in giving that vote he considered the case, both as it purported to be a claim in justice and a claim in equity. In both views of it, to him it appeared unfounded; and that opinion he delivered, after giving it as much attention and consideration as if he had pronounced that opinion in a court of justice.

The DUKE OF NORFOLK asked if any notice had been given by the noble earl of his intention to bring Mr. Palmer's case before their lordships that evening? If not, he did not think it fair to enter upon the discussion in so thin a House. Besides, their lordships would do well to consider in what difficulties they might involve themselves by objecting to the vote.

The EARL OF RADNOR confessed he had given no notice of his intention to mention the circumstance to the House, but had brought it under their consideration merely from what he conceived to be his duty. Neither had he any intention of renewing the question, but should leave it to any noble lord whom it might please to take it up.

After a few words in explanation from the Lord Chancellor and the Earl of Lauderdale, the subject was dropped without further notice.

[PARLIAMENTARY DEBATES. *First Series, Vol. 20, p. 359, 30th May, 1811.*]

In debate on Reply of Prince Regent to Address, the Chancellor of the Exchequer (Mr. Spencer Perceval) said * * * * At the same time, however, he was ready to admit that the answer must be taken as the answer of the Ministers; but did it, therefore, imply any distrust of the power of the House, or any inclination to interfere with that power? It was only distinctly saying that the assent of the two branches would be more desirable.

It was not constitutional to present the Address in the language of command.

With respect to the precedents adduced, why, the proposition that this claim was one of right and justice, and therefore demanded, was saying too much, when the other House had given a distinct and decided opinion on that demand, expressed, as it had been, when the Bill was brought in upon the subject. If gentlemen wished the House of Commons to quarrel with the other House for differing in opinion, was it not competent in the Ministers of the Crown to advise the Crown against it? He did not know any right which the Constitution gave to the one House more than the other of enjoying the luxury of quarrelling.

Ministers were bound to prevent it; but the right hon. gentleman (Mr. Tierney) wished the Crown to sit quiet and give fair play. He seemed to prefer that to peace and tranquillity.

With respect to the practice adopted concerning loans, the right hon. gentleman was not correct. When made, the Ministers certainly previously received the sanction of the House of Commons; the money was lodged in the Bank of England for security, but it was not touched by the Government, until an Act of Parliament had passed for authorizing its being received into the Exchequer.

It was not enough for one House to vote any specific sum; the Parliament collectively must vote it.

The Chancellor of the Exchequer then alluded to the arguments adduced by gentlemen opposite on former occasions, particularly with respect to the Auditorship of the Exchequer, to show that they had contended for the necessity of obtaining the consent of the other branch of the Legislature to the regulation of that office.

He submitted that he had endeavored to show that there had not been any breach of the Constitution, nor any disrespect to the Commons; that all which was desired was, that the grant should be completed by the sanction of Parliament.

[PARLIAMENTARY DEBATES. *First Series, Vol. 23, p. 768, 25th June, 1812.*]

Mr. LUSHINGTON brought up the Report of the Committee of Supply.

On the resolution "That a sum not exceeding £78,344 12s. 9d. be granted to His Majesty to be paid to John Palmer, Esquire, being the balance of the per centage due to him on the net revenue of the Post Office, from the 5th day of April 1793, to the 5th day of January, 1812.

Mr. BANKES objected to it, on the ground of extravagance, in granting so large a sum of the public money to an individual, for services which, in his opinion, had already been sufficiently rewarded.

He said that, since the year 1793, Mr. Palmer had received as a compensation for his services, not less than £80,000, nearly £60,000 of which had been paid to him a pensioner of the public, after he had ceased to perform any duty whatever.

The eminent services of Lords Nelson and Wellington had not been so well rewarded; and the sum now proposed was, in his mind, so exorbitant, that no one could advocate it who had any regard to the interest of the public. It was not founded on the claim of justice, but on circumstances which he was sorry to see brought forward at the present moment.

He was somewhat surprised that his right hon. friend the Chancellor of the Exchequer, should have given his sanction to it.

The CHANCELLOR OF THE EXCHEQUER (Mr. Vansittart) said he had followed the example of his late right hon. friend and predecessor in office, who had given his sanction to the measure, but reserved to himself the right of opposing the Bill when it should come before the House.

This was the mode which it was his intention to pursue.

[PARLIAMENTARY DEBATES. *First Series, Vol. 23, p. 959.*]

House of Lords, 10th July, 1812.

The LORD CHANCELLOR, in the Committee, moved that the first clause of the Bill, granting the per centage, be omitted. "As a ground for rejecting the clause, he stated that it was founded on a false recital, for it purported that this per centage should be given according to the terms of the warrant of 1789, which only conferred a grant during pleasure. The preamble stated nothing like an agreement.

If Mr. Palmer was convinced that there was any agreement, why did he not consent to an issue to try whether there was one, or whether, if there was one, it had not been abandoned; and, if not abandoned, whether it had not been put an end to by Mr. Palmer violating the conditions?

Their Lordships ought also to remember that the grant was to be charged upon the whole of the Post Office Revenue, as well that part which was the hereditary Revenue of the Crown as that which belonged more peculiarly to the public.

This sum of £78,000 and £9000 a year ought not to be given away out of the public money at any time in such a case as this, without a clear and distinct agreement and bargain, and there was here neither agreement nor bargain.

The consent of the Crown had not been given to this Bill.

[PARLIAMENTARY DEBATES. *First Series, Vol. 26, p. 1101, 5th July, 1813.*]

Palmer's Per Centage Bill (1).

The EARL OF LIVERPOOL adverted to the Bill before the House relative to Mr. Palmer's claims, observing that he had always opposed those claims as put forth on the ground of right. He would not, however, say what reward the Crown might be disposed to bestow on Mr. Palmer for the service which he had undoubtedly rendered; but, under these circumstances, should move to postpone the second reading of the Bill for three months.

The EARL OF LAUDERDALE said he had always opposed this claim, conceiving that Mr. Palmer had no right to the remuneration he asked. Mr. Palmer, however, had certainly rendered some service in point of expedition in travelling, and celerity in the conveyance of letters, and it might be for the consideration of the Crown what reward should be given to him for that service.

[The second reading of the Bill was postponed for three months.]

[PARLIAMENTARY DEBATES. *First Series, Vol. 26, p. 1209.*]

Palmer's Per Centage Bill (2). House of Commons, 14th July, 1813.

The CHANCELLOR OF THE EXCHEQUER (Mr. Vansittart) moved the third reading of the Bill.

Mr. TIERNEY asked upon what ground the sum of £50,000 was selected as the amount of the proposed grant to Mr. Palmer, particularly after committees of that House had reported that this gentleman was entitled to £84,000 in addition to his salary from the Post Office.

The CHANCELLOR OF THE EXCHEQUER replied, that the sum alluded to by the right hon. gentleman was inserted in the Bill because it was estimated to be a fair reward for the ingenuity of Mr. Palmer's invention, and he supposed that those who thought that gentleman should have more would not object to the Bill, especially as Mr. Palmer had expressed himself content with the proposed grant.

Mr. TIERNEY differed from the right hon. gentleman's estimate of Mr. Palmer's services. But he wished to know whether it was intended to grant Mr. Palmer a clear sum of £50,000; for, if the grant were to include all, he really believed that, from the expenses incurred by that gentleman in prosecuting his claim, he would not have to receive above £35,000. This diminished grant he was, however, disposed to consider as a sacrifice to a party in the other House, who, although the privilege of granting money belonged to the Commons, had succeeded in repeatedly defeating the declared sense of this House to do justice to Mr. Palmer—and this proceeding was taken without even requiring any conference with the Lords to ascertain the reasons of such repeated rejection. Mr. Palmer might be induced, under all the circumstances, to express himself content with the proposed arrangements; but, as a member of Parliament and a friend to justice, he felt it his duty to oppose it.

The CHANCELLOR OF THE EXCHEQUER said, that it was not his intention to propose any farther grant than that specified in the Bill. As to the expenses incurred by that gentleman, the public could not be fairly called upon to indemnify him.

Mr. W. SMITH could easily conceive that the spirit of Mr. Palmer, wearied out by repeated disappointments, might consent to accept less than the fair amount of his claim, but that could not reconcile his mind to the proposition. However, as it would be competent to any member of that House, notwithstanding this measure, to move in a future session for a farther grant to Mr. Palmer, he should not in that understanding oppose the motion.

Mr. ROSE vindicated the grounds upon which he had opposed the demand of Mr. Palmer; and as to the observations of the right hon. gentleman, he could not conceive it any attack upon the privileges of that House, because the Lords, having a voice in the enactment of any legislative measure, thought proper on this occasion to differ from it.

The Bill was read a third time and passed.

[PARLIAMENTARY DEBATES. *First Series, Vol. 26, p. 1221.*]

Palmer's Per Centage Bill (2). House of Lords, 16th July, 1813.

The EARL OF LIVERPOOL observed that the former Bills had been founded on a claim of right, and proposed to give Mr. Palmer an enormous sum. It was on these grounds that he had objected to them. The present Bill, however, gave up the claim of right, founding itself in a demand upon the generosity of the House to reward an invention, which he conceived had been highly advantageous to the public; whilst, at the same time, the sum proposed to be given was much less than that before claimed.

Upon these grounds, and as the House of Commons had desisted from sending up the proposition which their lordships had repeatedly rejected, he recommended the adoption of the present Bill.

1867.

VICTORIA..

LEGISLATIVE COUNCIL.

SECOND REPORT

OF THE

PRINTING COMMITTEE.

LAI D UPON THE COUNCIL TABLE BY THE HONORABLE J. P. FAWKNER, AND
ORDERED BY THE COUNCIL TO BE PRINTED 15TH AUGUST, 1867.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

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350

REPORT.

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

Title of Paper.	When moved for and by whom.	When laid on Council Table.	By Command.	Report and Remarks of Committee.
Beechworth Water Rights—Applications for.—Report of Board (24th January, 1867.)	26th March, 1867	... ..	No order made.
Mining Operations—Lands Excepted from.—Order in Council (27th February, 1867)	”	”
Beechworth and Gipps Land Mining Districts and Divisions —Alteration of.—Order in Council (12th March, 1867)	”	”
Immigration Expenditure, Passage Warrants, &c.—Return to Order of Council	Hon. R. S. Anderson, 26 Mar., 1867	”	... ..	Recommended to be printed.
Industrial Schools.—Report of Inspector, for year 1866	2nd April, 1867	... ..	No order made.
Mining Operations on Exempted Lands—Authorization of, cancelled.—Order in Council (18th March, 1867)	”	”
Mineral Statistics of Victoria, 1866	9th April, 1867	... ..	”
Volunteer Force.—Additional Regulations (1st April, 1867)	11th April, 1867	... ..	”
Crown Lands.—Estimate of Quantities to be sold in 1867 (11th April, 1867)	”	”
Sanatory Station.—Report of Chief Medical Officer, 1866	30th April, 1867	... ..	”
Electric Telegraph.—Report of Superintendent, 1866	”	”
Civil Establishment of Victoria, 1866	7th May, 1867	... ..	”
Post Office Savings Banks ; Deposits and Expenses, 1866	”	”
Post Office Department—Report 1866	”	”
Land excepted from Mining Operations.—Expedition Pass.—Order in Council (25th April, 1867)	14th May, 1867	... ..	”
Mining Surveyors' and Registrars' Reports (quarter ending 31st March, 1867)	15th May, 1867	... ..	”

Title of Paper.	When moved for and by whom.	When laid on Council Table.	By Command.	Report and Remarks of Committee.
Lands sold and leased—Returns of.—1st July to 31st December, 1865; 1st January to 30th June, 1866	21st May, 1867	... ..	No order made.
Military.—Despatches relative to distribution of Her Majesty's Troops in Victoria, 26th June, 1863, to 26th December, 1866	"	"
Lands sold and leased.—Return of Lands sold and leased, &c., &c., from 1st July to 31st December, 1865	22nd May, 1867	... ..	"
Education—Fifth Report of Board of (1866)	4th June, 1867	By Command	"
Statistics of Victoria, 1866.—Part I, Population	"	"	"
Neglected and Criminal Children Act.—Report on Female Reformatory and Industrial Schools at Abbotsford, to 31st December, 1866	"	"	"
Neglected and Criminal Children Act.—Report on Industrial Schools at St. Joseph's, Geelong (13th December, 1866)	"	"	"
Omeo Division of Beechworth Mining District to be designated the Mitta-mitta Division.—Order in Council (20th May, 1867)	"	"	"
Mining on Reserved Lands at Ballarat.—Report of Royal Commission (25th June, 1867)	25th June, 1867	"	"
Swamp, portion of Snake Island—Conditions of Lease for reclamation of, proposed to be granted to P. Snodgrass, Esq.	2nd July, 1867	... ..	"
Swamp, parish of Gisborne—Conditions of Lease for reclamation of, proposed to be granted to Messrs. T. F. Hamilton and W. Robertson.	"	"
Statistics of Victoria, 1866, Part 2.—Accumulation	3rd July, 1867	By Command	"
Statistics of Victoria, 1866, Part 3.—Finance	"	"	"
Mining Surveyors—Rules for, in Ararat, Beechworth, Castlemaine, Gipps Land, Maryborough, and Sandhurst Mining Districts.—Order in Council (3rd June, 1867)	"	"
Mining Surveyors, Ballarat District—Rules for.—Order in Council (3rd June, 1867)	"	"
Mining Operations—Lands excepted from, being required for Reserve for Watershed to Reservoir on Mollison's Creek (17th June, 1867)	"	"
Swamp in Parish of Wurruck-Wurruck—Conditions of Lease for reclamation of, proposed to be granted to William Pearson, Esq.	4th July, 1867	... ..	"

Title of Paper.	When moved for and by whom.	When laid on Council Table.	By Command.	Report and Remarks of Committee.
Criminal Statistics, Victoria, 1866	9th July, 1867	By Command	No order made.
Local Government Act (No. 176). —Second Report of Assistant Commissioner of Roads and Bridges (for period 1st January, 1865, to 31st December, 1866) with Appendices	"	"
Willis, Mr. A., claim of—Report of Board on (20th February, 1867)	"	"
Convicted Prisoners discharged before completion of Sentences.—Return to Order of the Council.	Hon. H. M. Murphy, 1st May, 1867	"	... ..	Recommended to be printed.
Message of His Excellency the Governor.—Visit of His Royal Highness the Duke of Edinburgh.—Despatch with Enclosures.	16th July, 1867	By Command	No order made.
Message from His Excellency the Governor.—Defences of the Colony, with Enclosure	"	"	"
Diseases—Return of, in various Establishments, 1866 (Chief Medical Officer)	"	"	"
Immigration Expenditure, and Correspondence between the Treasury and Customs Departments relative to the Order of the Council made on the 6th June, 1867	17th July, 1867	"	"
Immigration Expenditure, &c.—Return in part, and a further Return in part, to an Order of the Council made on the 6th June, 1867, with a Memorandum in explanation thereof	Hon. R. S. Anderson, 6th June, 1867	23rd July, 1867	... ..	Recommended to be printed.
Mining Operations by the Hustler's Reef Railway Company authorized on exempted lands (8th July, 1867)	"	No order made.
University of Melbourne.—Report (year ending 31st May, 1867)	"	"
Races, Drains, Dams, and Reservoirs—Regulations respecting Licences to cut, construct, and use, under Mining Statute 1865.—Order in Council (15th July, 1867)	30th July, 1867	... ..	"
Mineral Leases.—Regulations altering Regulations of 24th December, 1866.—Order in Council (15th July, 1867)	"	"
Gold Mining Leases altered.—Regulations altering Regulations of 24th December, 1866.—Order in Council (15th July, 1867)	"	"
Education, Board of—Appendices IV, V, VI, to the Fifth Report of	13th August, 1867	... ..	"
Statistics of Victoria, 1866.—Part IV.—Law, Crime, &c.	"	"

JOHN P. FAWKNER,
Chairman.

Committee Room (Parliament Houses),
Melbourne, 15th August, 1867.

VICTORIA.



VOICES

AND

PROCEEDINGS

OF THE

LEGISLATIVE

COUNCIL.

1ST SESSION.

1867