

1853.

VICTORIA.

ACTS OF COUNCIL.—ROYAL ASSENT.

*Ordered by the Council to be printed, 2nd December, 1853.*

C. J. LA TROBE.

*Message No. 32.*

*Lieutenant Governor.*

The Lieutenant Governor transmits to the Legislative Council the Copy of a Despatch (No. 124), dated 30th July, 1853, addressed to His Excellency by the Right Honorable the Secretary of State for the Colonies, conveying the decision of Her Majesty on several Acts of the Legislature of Victoria passed in the Session of 1852.

*Government Offices,*

*Melbourne, 2nd December, 1853.*

No. 124.

Downing-street, 30th July, 1853.

SIR,

With reference to my Despatch, No. 53, of the 30th April last, I have now to acknowledge the receipt with your Despatch, No. 43, of the 2nd of March, 1853, of the authentic copies of the fourteen Acts passed by the Legislative Council of Victoria, during the Session of 1852, upon which you had previously reported in your Despatch, No. 168, of the 2nd of December last, transmitting copies of them but not in an authentic form.

Having laid these Acts before the Queen, I have to acquaint you that Her Majesty has been pleased to confirm and allow the Acts of which the numbers and titles are specified in the annexed list. 1, 2, 3, 4, 5, 6, 7,  
8, 9, 10, 11, 14.

You will communicate the Queen's decision to the inhabitants of the Colony under your Government, in the usual and most authentic manner.

I submitted for the consideration of the Lords of the Committee of Privy Council for Trade, the Act No. 12, entitled "An Act to consolidate and amend the Law relating to Ports, Harbors, and Shipping" in that Colony, and the enclosed is an Extract of their Lordships' Report. It will be seen that they object to some of the provisions contained in the said Act; but as these objections are chiefly of a general nature, I have not thought them sufficient to justify any delay of the Royal Assent. The Queen has accordingly been pleased to confirm it, and you will communicate Her Majesty's decision to the inhabitants of Victoria; but it will be desirable that you should bring the contents of the accompanying extract before the Legislature, at any suitable opportunity which may hereafter occur. 11th May, 1853,  
Extract.

I shall address you separately on the subject of the Act No. 13, "To facilitate the apprehension and prevent the introduction into the Colony of Offenders illegally at large," the intended disallowance of which was communicated to you in my Despatch No. 53, of the 30th of April.

The remaining Acts of the series which accompanied your Despatch, are under the consideration of Her Majesty's Government.

I have the honor to be,

Sir,

Your most obedient humble servant,

(Signed)

NEWCASTLE.

Lieutenant Governor La Trobe,

&c., &c., &c.

B.—No. 32.

## LIST OF VICTORIA ACTS CONFIRMED.

- No. 1. "An Act to confirm the adoption and use of a Seal, as the Seal of the Colony of Victoria, and to indemnify all persons acting by authority of the same."
- No. 2. "An Act for granting Duties of Customs in the Colony of Victoria."
- No. 3. "An Act to make provision for the better Administration of Justice in Courts of General Session in the Colony of Victoria."
- No. 4. "An Act to enable Immigration Boards to make certain enquiries relating to Immigrant Ships."
- No. 5. "An Act to enable the Supreme Court of Victoria to compel taxation of Attorneys' Bills of Costs in criminal cases in the Supreme Court of Victoria."
- No. 6. An Act to amend and continue two Acts passed in the 9th and 11th years of the reign of Her present Majesty, respectively intituled "An Act to amend and consolidate the Laws between Masters and Servants in New South Wales," and an Act to amend an Act, intituled "An Act to amend and consolidate the Laws between Masters and Servants in New South Wales."
- No. 7. "An Act for improving the Administration of Criminal Justice."
- No. 8. "An Act to make further provision for the care and maintenance of persons of unsound mind."
- No. 9. "An Act to amend the Law of Evidence."
- No. 10. An Act to amend an Act, intituled "An Act declaratory of the right of occupants of Crown Lands to impound cattle and other animals found trespassing thereon."
- No. 11. "An Act to make provision for the better administration of Justice in County Courts in the Colony of Victoria."
- No. 14. "An Act for the better prevention of Offences."

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*Extract of a Letter from James Booth, Esq., to Herman Merivale, Esq., dated Office of Committee of Privy Council for Trade, Whitehall, 11th May, 1853.*

"I am to state to you that my Lords observe that the Pilotage rates levied under this Act are fixed in amount, and are paid, not to the Pilot for the service performed, but to the Collector of Customs, for the public uses of the Colony and in support of the Government.

"The policy of making the pilotage rates a part of the general revenue of this Colony, instead of appropriating them to the service in respect of which they are paid, and regulating them by a scale not higher than is necessary for the remuneration of that service, appears to my Lords very questionable; and my Lords would suggest, for the consideration of the Duke of Newcastle, whether it might not be expedient that the attention of the Governor should be called to this point, with a view to any future legislation upon the subject in the Colony.

"My Lords observe, that while under the Imperial Pilotage Act (6 Geo. IV., c. 125), vessels belonging to the Crown are exempt from the obligation to take Pilots, no provision is made for such an exemption by the Act now under consideration, and they would suggest that the attention of the Governor should be called to this omission.

"My Lords would also observe, that as it is probable that any undue charges upon shipping which may be levied in the Colony of Victoria, will fall chiefly upon ships, the property of persons residing in the United Kingdom, it is not a question of a purely Colonial character.

"My Lords would also remark, that the charges which have been complained of in this Country as bearing upon ships and shipping have grown, in course of time and as trade has increased, to be disproportionate to the service rendered, and therefore to be regarded as excessive, having in many instances been only adequate at first to afford a due remuneration for benefits required and rendered."