

1853—4.

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VICTORIA.

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ACTS OF COUNCIL, PASSED 1852---3.

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*Ordered by the Council to be printed, 27th January, 1854.*

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C. J. LA TROBE,

*Lieutenant Governor.*

*Message, No. 43.*

In pursuance of the provisions of the Act of Parliament, 5 and 6 Victoria, chapter 76, the Lieutenant Governor transmits the copy of a Despatch (No. 142), dated 23rd September, 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—3.

*Government Offices,*

*Melbourne, 25th January, 1854.*

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**By Authority :**

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

B.—No. 43.



No. 142.

*Despatch from The Right Honorable The Secretary of State to  
His Excellency The Lieutenant Governor.*

No. 103.]

[COPY.]

Downing-street,  
23rd September, 1853.

SIR,

With reference to my Despatch, No. 89, of the 30th of July last, I have to acquaint you that I have laid before the Queen the Acts of your Government, of which the Numbers, Dates, and Titles will be found in the annexed Schedule, and which, as you were informed by my Despatch above adverted to, were then under the consideration of Her Majesty's Government. Her Majesty has now been pleased to confirm and allow these enactments.

You will communicate Her Majesty's decision on these Acts, to the Inhabitants of the Colony under your Government by a Proclamation, to be published in the usual and most authentic manner.

The remaining Acts of this series, together with the Private Acts not mentioned in the accompanying Schedule, are still under the consideration of Her Majesty's Government.

In signifying to you the assent of Her Majesty to the Act No. 40, "*For making and improving Roads*," I wish to point out, that the 26th clause of this Act imposes a rate upon Crown Lands; for it enacts that Road Rates shall be imposed on the Owners and Occupiers of Land, &c., within the respective Road Districts, "whether such Lands shall belong to Her Majesty, Her Heirs and Successors, or not," at rates not exceeding one penny an acre on pasture land; six pence an acre on cultivated land; and sixpence in the pound on the rental of houses.

It provides, however, that no rate shall be imposed on unoccupied Crown Lands.

The 30th Clause provides that these Rates shall be payable primarily by the Occupier, but that one-half shall be recoverable by him from the Owner of the Land, by way of deduction from rent. If this payment is so recoverable from the Crown, and a rate of one penny an acre were imposed on a run of 20,000 acres, it is evident that the rate would entirely eat up the rent reserved, and the result would be, that in pastoral districts the Crown rents might be practically appropriated to making roads. It is possible that such a result might be prevented by the 71st clause of the Act, which declares that nothing in it is to extend to any claim of Her Majesty in right of Her Crown or otherwise howsoever. But this is by no means certain, and I have accordingly thought it right to direct your attention to the subject. As the control over the Territorial Revenue, may, ere long, be transferred to the Local Government, I have not regarded it as of sufficient importance to render it necessary that I should advise Her Majesty to withhold Her assent from the Act.

I have the honor to be,

Sir,

Your most obedient humble servant,

(Signed)

NEWCASTLE.

Lieutenant Governor La Trobe,  
&c., &c., &c.

*Schedule.*  
Nos. 15, 16, 18,  
19, 20, 21, 22, 24,  
27, 29, 31, 32, 33,  
35, 36, 38, 40.  
Private Act for  
Lighting with Gas  
the City of Mel-  
bourne.

LIST OF ACTS CONFIRMED—16 VICTORIA, 1852—3.

- No. 15.—An Act to alter the Laws relative to Jurors and Juries in certain Districts. (29th November, 1852.)
- No. 16.—An Act to Amend the Laws relating to Special Constables. (30th November, 1852.)
- No. 18.—An Act to Amend the "Melbourne Corporation Act," in the matter of the Qualification of Citizenship. (3rd December, 1852.)
- No. 19.—An Act to Authorize the Corporation of the City of Melbourne to damage and destroy their Common Seal, and to adopt another Seal in lieu thereof. (3rd December, 1852.)
- No. 20.—An Act for the better Protection of Cattle, and the better Prevention of Cattle Stealing. (29th December, 1852.)
- No. 21.—An Act for Preventing the Extension of the Disease called Scab in Sheep. (29th December, 1852.)
- No. 22.—An Act for the Better Prevention of Vagrancy and other Offences. (29th December, 1852.)
- No. 24.—An Act for the Regulation of the Police Force. (8th January, 1853.)
- No. 27.—An Act to Amend An Act, intituled, "An Act to Regulate the Licensing of Auctioneers, and the Collection of Duties on Property Sold by Auction." (18th January, 1853.)

- No. 29.—An Act to alter “The Victoria Electoral Act of 1851,” and to Increase the Number of Members of the Legislative Council of the Colony of Victoria. (19th January, 1853.)
- No. 31.—An Act to Enable the Sheriff of the Colony of Victoria to Appoint Deputies. (22nd January, 1853.)
- No. 32.—An Act to make Provision for the Better Control and Disposal of Offenders. (22nd January, 1853.)
- No. 33.—An Act to Abolish Certain Duties on Shipping, and to Amend the Law relating to Seamen and Water Police. (22nd January, 1853.)
- No. 35.—An Act to make provision for the Sale of Fermented and Spirituous Liquors, and of Refreshments in certain Districts. (28th January, 1853.)
- No. 36.—An Act to Amend An Act, intituled, “An Act for Regulating the Police in the Towns “ of Paramatta, Windsor, Maitland, Bathurst, and other Towns respectively, and “ for Removing and Preventing Nuisances and Obstructions; and for the better “ Alignment of Streets therein.” (28th January, 1853.)
- No. 38.—An Act to Amend in Certain Respects, An Act, intituled, “An Act to Incorporate the “ Inhabitants of the Town of Melbourne,” and to make further provision for the Cleansing and Improving of the City of Melbourne. (7th February, 1853.)
- No. 40.—An Act for Making and Improving Roads in the Colony of Victoria. (8th February, 1853.)

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PRIVATE ACT.

(12th January, 1853.)

An Act for Lighting with Gas the City of Melbourne, in the Colony of Victoria; and to enable Certain Persons Associated under the Name, Style or Title of “The City of “ Melbourne Gas and Coke Company,” to Sue and be Sued in the Name of the Secretary for the time being, of the said Company, and for other Purposes therein mentioned.