

1856.

VICTORIA.

REPORT

FROM THE

SELECT COMMITTEE

OF THE

LEGISLATIVE COUNCIL

ON THE

ST. KILDA SEA-BATHING COMPANY'S
BILL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

MELBOURNE:

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EXTRACTED FROM THE MINUTES.

TUESDAY, 12TH FEBRUARY, 1856.

ST. KILDA SEA BATHING COMPANY'S BILL.—Mr. Greeves moved, pursuant to *amended* notice, That the Standing Orders relative to the introduction of Private Bills be suspended, in order to enable him to move for leave to bring in a Bill to incorporate a Company, to be called "The St. Kilda Sea Bathing Company."

Question—put and passed.

Mr. Greeves having produced a receipt from the Treasurer for the payment of the sum of £25, brought in a Bill, intituled "*A Bill to incorporate a Company to be called 'The St. Kilda Sea Bathing Company,' and for other purposes therein mentioned,*" and moved, pursuant to *contingent* notice, That it be now read a first time.

Question—put and passed.—Bill read a first time.

Mr. Greeves then moved, pursuant to *contingent* notice, that the Bill be referred to a Select Committee, to consist of the Commissioner of Public Works, Mr. Nicholson, Mr. Hervey, Mr. Sargood, Mr. Humfray, Mr. McCulloch, and the Mover.

Question—put and passed.

REPORT.

THE SELECT COMMITTEE of the Legislative Council to which was referred the Bill intituled, "*A Bill to Incorporate a Company to be called 'The St. Kilda Sea Bathing Company' and for 'other purposes therein mentioned'*" have the honor to report to your Honorable Council as follows :—

1. Your Committee having examined various witnesses in support of the Preamble of the Bill, have agreed that the Preamble do stand part of the Bill.
2. Your Committee have proceeded through the several clauses of the said Bill, and have carefully noted the amendments they have deemed it expedient to make therein.
3. Your Committee have now the honor to lay before your Honorable Council the said Bill as so amended by them.

(Signed)

A. F. A. GREEVES,
Chairman.

Committee Room, 22nd February, 1856.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 19th February, 1856

MEMBERS PRESENT:

MR. NICHOLSON, MR. GREEVES, MR. HERVEY, MR. HUMFFRAY.

Mr. Greaves was called to the Chair.

The Counsel and Parties were called in

Mr. Carter appeared as Counsel for the Petitioners for the Bill, and was heard to open the case in support of the Preamble.

George Smyth, Esq., was called in and examined.

H. J. Langdon, Esq., was called in and examined

Motion made—That the Preamble do stand part of the Bill.

Question—put and passed.

Adjourned to Friday next, at 11 o'Clock.

Friday, 22nd February, 1856.

MEMBERS PRESENT:

MR. GREEVES IN THE CHAIR; MR. SARGOOD, MR. HUMFFRAY.

The Counsel and Parties were called in.

Clause 1 was read

Mr. George H. F. Webb was called in and examined.

The clause was passed.

Clause 2 was read as follows:—The capital stock of the company hereby established shall be pounds sterling and shall be divided into
shares of ten pounds each and upon taking any share every subscriber shall pay to the chairman or other proper officer of the said company the sum of one pound sterling for every share which shall be so taken and shall pay the remaining amount of every such share to such person or persons and in such parts or proportions and at such intervals as the directors of the said company shall deem necessary and from time to time call for and require.

Mr. David Ross was called in and examined.

The clause was passed.

Clauses 3 to 30 both inclusive were read and passed, with verbal amendments as noted in Committee Bill.

Mr. Carter brought up the following Manuscript Clauses:—

CLAUSE A.

Nothing herein contained shall extend to charge or make liable any shareholder of the said company or his real or personal estate with or for any debt or demand whatever due or to become due from or by the said company or in anywise relating to the said undertaking for any of the matters or things authorized by this Act to be made done or completed beyond the extent of his shares in the capital of the said company any law custom or usage to the contrary thereof in anywise notwithstanding.

CLAUSE B.

It shall be lawful for the company by and under the bye-laws which shall be made for the purpose of regulating and providing for the due management of the affairs of the company under the clauses with respect to the making of the bye-laws herewith incorporated to impose such reasonable penalties upon all persons offending against such bye-laws whether officers or servants of the company or not as the company think fit not exceeding five pounds for any one offence.

Manuscript Clause A was read and passed.

Manuscript Clause B was read and passed.

The *Chairman* was instructed to report the Bill, with its amendments, to the Council.

MINUTES OF EVIDENCE.

TUESDAY, 19th FEBRUARY, 1856.

Members present: Mr. Greeves in the Chair; Mr. Nicholson, Mr. Humfray, Mr. Hervey.

George Smyth, Esq., called in and examined by Mr. Carter.

1. Are you a Barrister practising in Melbourne?—I am.

2. Do you reside at St. Kilda?—Yes.

3. Do you consider the bathing accommodation there at present sufficient, or the reverse?

—It is quite insufficient at present, and the amount of accommodation, such as it is, afforded to the public is charged for at such a rate, that no family can enjoy it without great pecuniary sacrifice. The Charge for admission to the only bathing establishment there, is One Shilling for each person bathing, or Ninepence by taking a dozen tickets, and that in the case of a family of six or seven persons, must form a very enormous tax. With regard to the open sea accomodation, not only does delicacy almost forbid gentlemen bathing there during the greater portion of the morning, but the practice of gentlemen bathing off the open beach trenches very much upon the comfort of female members of families residing thereabout. It has been urged, that the gentlemen might bathe sufficiently early, to enable the ladies to come down and bathe afterwards, but the hours for bathing in the morning would really require to be the same for gentlemen and ladies; and hence the necessity for having some places where both ladies and gentlemen could bathe with perfect privacy and safety: I allude to the chance of accidents from sharks, for which no provision has been made in any existing bathing establishments near Melbourne, but which I am given to understand will be provided for by this Company. Provision against such accidents has been made at Geelong, but not here, and that is a point of very great importance.

4. Do many strangers, that is to say persons not residents at St. Kilda visit that place for the purpose of bathing?—Several hundreds I should say in the course of a month.

5. Do many of the inhabitants bathe there?—Nearly all.

6. Do you consider sea-bathing essential to health?—I can speak from my own experience for I bathe nearly every day in the year, and I look upon it as the means of keeping me in the sound health I at present enjoy.

7. Do you consider that if proper bathing establishments were erected at St. Kilda they would be productive of health to the inhabitants, and be of benefit and advantage to the community generally? I have no doubt of it.

8. Do you think it desirable that such a Company should be established if they are willing to undertake to erect proper and suitable bathing houses with all necessary machinery and appliances? I should say not only one Company, but as many Companies as possible, in order to afford the greatest facility for bathing. I may observe that it is not only in the mornings that parties desire to bathe, many cannot go in the morning. During the whole day throughout the best weather, and in fact for nearly all the summer it is highly desirable that there should be accommodation afforded for bathing, and that by means of enclosed and sheltered boxes for dressing and undressing. It is obvious that persons cannot bathe upon the beach during the day, they may do so during the early morning, but in the day time they cannot do so, and some means should be afforded to enable parties to bathe with perfect privacy and comfort during the whole day.

9. Do you think that the incorporation of a Company would offer any peculiar advantages for the carrying out of an undertaking of the sort over and above those which would arise from a similar undertaking being carried out by private individuals? I think a Company could carry it out better than any private individual, for a Company must not be monopolists, whereas a private speculator can regulate his charges by the necessity of the applicants.

10. Do you think it advisable that a Company should be Incorporated, and be invested with the necessary powers for forming a bathing establishment at St. Kilda? I do.

11. *By the Chairman.*—Do you think without an Act of Incorporation a Company for the purpose cannot be formed? Not beneficially so as to secure the shareholders individually from unlimited liability.

12. *By Mr. Carter.*—Is there not also another advantage arising from the Company being incorporated, namely, that under the Act of Incorporation creditors of the Company will be enabled to recover any claim against the Company by proceeding against the Company, by its corporate title, instead of proceeding against a number of individual shareholders? Yes a creditor could sue the Company in their corporate character, whereas if it were a body of shareholders not incorporated, he would be obliged to proceed against each shareholder individually.

13. Are many persons in the habit of bathing at St. Kilda without having recourse to the bathing ship which is moored there? I suppose that nine out of ten of the bathers bathe along the bay, and not from the ship.

14. Are there any proper conveniences for dressing on board that ship?—The ship is not badly constructed, but it is very confined—there is not sufficient accommodation at some periods of the day for the the numbers requiring to bathe there. The objection I have to the bathing-ship is what I have mentioned awhile ago, namely, with regard to the safety. There is no external protection for the bathers as there is at Geelong, and a man would be just as liable to an attack from a shark off St. Kilda as at Geelong. I may observe that I have heard that Mr. Kenny the proprietor of the present bathing-ship, objects to the establishment of this Company, on the ground that he has a vested interest in the ship, which he has moored there, but I must say that I think a grocer would have just as much right to complain of another grocer for setting up a more commodious and better shop next door to him as Mr. Kenny has to complain of the erection of baths adjoining, or near his ship. It is in my opinion a fair subject of competition, and should be so treated.

Henry Joseph Langdon, Esq., called in and examined by Mr. Carter.

15. You are a Merchant in Melbourne?—I am.
16. A member of the firm of Josephs, Langdon, and Co.,?—Yes.
17. Do you reside at St. Kilda?—Yes.
18. Are you in the habit of bathing there frequently?—Almost daily.
19. Are there many other persons also in the constant habit of bathing there?—A great many.
20. What accommodation for bathing is there at present at St. Kilda?—There is a vessel moored of the point, but many more people go in from the beach than from the vessel.
21. When persons are bathing there, can they see the persons dressing and undressing in the boxes at the ship?—Yes, the boxes are quite unprotected; there are no doors to them, and I have heard general complaints about it.
22. Do you think the establishment of proper bathing houses at St. Kilda would be of great benefit to the inhabitants of St. Kilda, and also to the inhabitants of Melbourne generally?—Most decidedly.

Adjourned to Friday next, at 11 o'Clock

FRIDAY, 22nd FEBRUARY, 1856.

Members Present: Mr. Greeves, in the Chair; Mr. Sargood. Mr. Humffray.

Mr. George H. F. Webb, called in and examined by Mr. Carter.

1. Are you a resident at St. Kilda?—I am.
2. Have you been connected with the getting up of this Company?—I have. It was suggested to me by several gentlemen living at St. Kilda, that the present bathing accommodation at St. Kilda, and especially for ladies, was insufficient and charged for at an exorbitant rate, and that it would be very desirable if some better accommodation could be afforded somewhat upon the plan adopted in Geelong; and the establishment of a Company with the object of erecting suitable Baths both for ladies and gentlemen was determined upon.
3. Can you explain to the Committee the reason why, for a Company with so small a capital, it is desired to obtain an Act of Incorporation?—I may mention that many of the gentlemen who have taken shares in the Company have done so rather with a view to the public advantage, convenience, safety, and decency which will accrue from superior accommodation than with any idea of realizing large profits from the Company, but whilst they are prepared to put down their £10 or £20 towards securing what they consider to be a great public improvement, and take their chance as to what dividend may result from it, they naturally wish to be protected from the unlimited liability in which they would be involved were the operations of the Company carried on without an Act of Council limiting the liability of the Shareholders.
4. Do you know whether the prospect of obtaining an Act of Council, restricting the individual liability of the Shareholders in the Company, was the chief inducement with most of the subscribers to agree to unite to form this Company?—It certainly was. I think if that inducement had not been held out very few shares would have been taken up at all. At the first preliminary meeting held upon the subject, I was requested to act as Honorary Secretary, and in that capacity I have taken upon myself to state that any gentleman who wishes to do so will be allowed to withdraw his name from the share list in the event of the Act of Incorporation not being obtained.
5. Supposing this Bill should not pass, what result do you imagine will follow, as far as the carrying on of the Company is concerned?—I expect, from what I have been told by the Shareholders themselves, that at least half of the shares which are now taken up, and upon which the deposits of £1 per share have been paid, will be thrown up, and that the Company will have to cease operations.
6. What number of shares have at present been taken up?—Of the 200 shares of £10 each, which are to form the original capital of the Company, 172 have already been applied for, and 152 have been taken up, and the deposit of £1 per share paid upon them.

7. With respect to the probable return upon the Capital invested, can you state in your judgment how many people bathe daily at St. Kilda? I should say during the summer season there cannot be an average of less than from 250 to 300 persons bathing daily, and that I should consider a low estimate. I have frequently been at the bathing ship when all the boxes have been full, and persons have been waiting for a box before they could bathe; and the number of persons bathing from the ship is very small as compared with the number who bathe from the shore. Many gentlemen have stated to me that they now bathe from the shore in preference to paying a shilling for the use of the ship, but that they would not object to paying a more reasonable charge if convenient accommodation were afforded them.

8. What is the rate of charge proposed by the Company? The rate of charges has not yet been finally determined upon, but I believe I may say that it will certainly not exceed six pence per head for single baths, a reduction being made upon a certain number of tickets being taken, and also upon season tickets. Of course in that charge I do not include shower baths or warm baths, the charge for which will be matter of future consideration and arrangement.

9. Do you know that yesterday morning there was not accommodation sufficient at the bathing ship for the persons wishing to bathe? I was so informed by parties who were there. I cannot speak to the fact as I was not there myself.

10. By *Mr. Humffray*—Is it your opinion that if increased accommodation were afforded, the number of bathers would be increased?—I think so, certainly.

11. Is it your opinion that if this Company were incorporated there would be an ample return for necessary outlay of capital?—I think there will be an ample return, but as I have before stated to the Committee, I am aware that in many instances the prospect of a lucrative investment has not been the inducement to take shares but the desire of getting increased bathing accommodation more especially for the ladies, for whose convenience or privacy whilst bathing the existing bathing-houses are utterly inadequate. At the same time the Capital is small, the expense of management will be but trifling, and my own opinion is that a very large return upon the Capital may be fairly looked for. We estimate that the whole of the expense of getting the Company into operation, and erecting two bathing houses, will not exceed £3000, and therefore if we can only nett £300 during the twelve months, it will give 10 per cent on the outlay. I think however, that a much larger return than that may be anticipated. The rapidity with which the shares have been taken up, and paid upon, evidences I think, the feeling of the inhabitants of St. Kilda as to the desirability of the Company being constituted.

ON CLAUSE 2.

Mr. David Ross, called in and examined by *Mr. Carter*.

1. Are you an Engineer?—Yes.

2. Do you carry on your business in Melbourne?—Yes as an Architect.

3. Are you the Engineer and Architect for the proposed St. Kilda Sea-Bathing Company?—Yes.

4. Have you prepared the Plans and Elevations for the two Bathing-Houses, one for ladies and one for gentlemen which are proposed to be erected by the Company?—I have.

5. Do you produce them?—I do.

The Witness delivered in the same—

6. What in your judgment would be the cost of erecting one such bathing-house as you have shewn upon your plans?—I have estimated it at £1200, there might be some change owing to the variance of prices, but at present rates I think it could be done for that.

7. Do you purpose to give accommodation for parties taking warm, and shower baths, and other baths than a mere dip in the open sea?—Yes, there will be hot salt water baths, and shower baths, and so on, with all proper conveniences.

8. What Capital do you think the Company should have power to raise in order to carry out the purposes of their undertaking?—I think providing for all contingencies, of whatever kind £4,000 would be amply sufficient for both houses.

Do you think a present Capital of £2,000, with the power of increasing that as occasion may require, up to to the sum of £4,000 would enable the Company to carry their plans into effect?—I do certainly.

10. By *Mr. Sargood*.—What is the number of bathers intended to be accommodated in each bathing-house?—On the plan of the gentlemen's bathing-house, as at present shewn, there are forty-five dressing-rooms, each 6 feet by 6; but it has been thought by the Committee that a smaller space than that, namely, 4 feet by 6, would be amply sufficient, and in that case the number of rooms will be increased to 67. The plan of the ladies' bathing-house at the present shews 50 dressing-rooms, but both houses will be built with a view to further extension of the accommodation if and when required.

11. By *Mr. Humffray*.—Have you made any calculation as to the probable return upon the capital invested?—I have not done so—that is not in my line.

12. By *Mr. Carter*.—Are you acquainted with St. Kilda?—Yes.

13. Have you seen the people bathing there?—Frequently.

14. Do you think it likely that the returns of the Company will be remunerative?—I certainly think so. I anticipate the bathing will become much more frequent as increased accommodation is afforded.