

1858.

VICTORIA.

R E P O R T

FROM THE

SELECT COMMITTEE OF THE LEGISLATIVE ASSEMBLY,

UPON

THE ST. KILDA AND BRIGHTON
RAILWAY COMPANY'S BILL;

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE.

MELBOURNE:
PRINTED AT THE HERALD OFFICE, BOURKE STREET EAST.

EXTRACTED FROM THE VOTES AND PROCEEDINGS.

TUESDAY, 9TH NOVEMBER, 1858.

Mr. Brooke presented a Petition from the St. Kilda and Brighton Railway Company, under the corporate seal of the said company, and from the municipal council of St. Kilda under the corporate seal of that municipality, praying for leave to bring in a Bill to repeal the 65th and 66th sections of "*The St. Kilda and Brighton Railway Act 1857*," and to substitute another provision in lieu of the first mentioned section.
Ordered to lie on the Table.

FRIDAY, 12TH NOVEMBER, 1858.

12. ST. KILDA AND BRIGHTON RAILWAY BILL.—Mr. Brooke moved, pursuant to *amended* notice, That the Petition of the St. Kilda and Brighton Railway Company be taken into consideration, and that he have leave to bring in a Bill to alter and extend some of the provisions contained in "*The St. Kilda and Brighton Railway Act, 1858*," and for other purposes.
Debate ensued.
Question—put and resolved in the affirmative.
Ordered—That Mr. Brooke and Mr. Wood do prepare and bring in the Bill.
Mr. Brooke and Mr. Wood then brought up a Bill, intituled, "*A Bill to alter and extend some of the provisions contained in 'The St. Kilda and Brighton Railway Act, 1858,' and for other purposes*," and moved that it now be read a first time.
Question—put and resolved in the affirmative.
Bill read a first time.

WEDNESDAY, 24TH NOVEMBER, 1858.

7. ST. KILDA AND BRIGHTON RAILWAY COMPANY'S BILL.—Mr. Brooke moved, pursuant to notice, That this Bill be now read a second time.
Question—put and resolved in the affirmative.
Bill read a second time.
Mr. Brooke then moved, pursuant to *contingent* notice—
(1.) That this Bill be referred to a Select Committee.
(2.) That such Committee consist of the following Members: Mr. Horne, Mr. Greeves, Dr. Owens, Mr. Grant, Mr. Ebdon, Mr. Crews, and the Mover; three to form a quorum.
Question—put and resolved in the affirmative.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly to which was referred the Bill, intituled, "*A Bill to alter and extend some of the provisions contained in 'The St. Kilda and Brighton Railway Act, 1858,' and for other purposes,*" have the honor to report to your Honorable House 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 House the said Bill, as so amended by them.

Committee-room,

16th December, 1858.



PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 9TH DECEMBER, 1858.

Members present :

Mr. Crews, Mr. Grant, Dr. Owens, Mr. Brooke.

The members present signed the declaration, required by standing order LI., relating to private bills.

On the motion of Dr. Owens, Mr. Brooke was called to the chair.

The motion for referring the Bill to a Select Committee, extracted from the votes and proceedings of the 24th November, 1858, was read.

Copies of the Bill, signed by the agents, were handed to each member of the committee.

The petition for the Bill was then read.

Mr. E. Charsley made application to the committee to appear on behalf of the petitioners, until such time as their counsel could be in attendance.

The committee granted the application.

The petition of the Melbourne and Suburban Railway Company, praying for liberty to appear and be heard, either personally or by counsel, and, if necessary, adduce evidence on behalf of the Melbourne and Suburban Railway Company before the committee was read.

Mr. Carter appeared as counsel for the petitioners.

The following documents having been deposited with the Clerk of Assembly, were laid before the committee by the clerk:—

- (1.) Notice of application for Bill.
- (2.) Printed copy of Bill.
- (3.) Declaration of agent.
- (4.) Statement of proofs.
- (5.) Three copies of "*The Victoria Government Gazette*," containing notices of application.
- (6.) Three copies of "*The Herald*" newspaper, containing notices of application.
- (7.) Statutory declaration of William Spragg, proving deposit of certain documents.
- (8.) Notice from agent of day proposed for second reading.
- (9.) Notice from agent of first sitting of committee.
- (10.) A filled up copy of the Bill.

The preamble of the Bill was then read.

Mr. E. Charsley was heard to open the case in support of the preamble of the Bill.

Mr. R. W. Johnson, secretary to the St. Kilda and Brighton Railway Company, was called in and examined by *Mr. Charsley* and by the committee.

Mr. Charles Swyer, engineer to the company, was called in and examined by *Mr. Charsley* and by the committee.

Cross-examined by *Mr. Carter*.

C. H. Ebdon, Esq., member of the Assembly, attended to give evidence, and was examined by *Mr. Charsley* and by the committee.

Cross-examined by *Mr. Carter*.

Mr. William Randal was called in and examined by *Mr. Charsley* and by the committee.

Cross-examined by *Mr. Carter*.

Mr. Carter was heard to open the case on behalf of the Melbourne and Suburban Railway Company.

Committee adjourned to to-morrow at Eleven o'Clock.

FRIDAY, 10TH DECEMBER, 1858.

Members present:

Mr. Brooke (in the Chair),
Dr. Owens, Mr. Crews.

The minutes taken at the last meeting of the committee were read.

Mr. Bunny appeared as Counsel for the promoters of the Bill, and was heard to address the committee in support of the Bill, proposing to insert certain manuscript clauses.

Mr. Carter handed in manuscript clauses, A, B, C, and D (*vide* minutes of evidence), to which he informed the committee both parties agreed.

Room cleared.

The committee deliberated.

Counsel and parties were called in.

The *Chairman* informed the promoters that the committee were of opinion that the manuscript clauses, proposed to be inserted, were inadmissible, and proposed the insertion of a clause giving certain powers to the Board of Land and Works (*vide* minutes of evidence).

Mr. Bunny then read a clause drawn up in accordance with the desire of the committee (*vide* minutes of evidence).

Mr. Carter addressed the committee, applying for time to submit the clause under consideration to the Melbourne and Suburban Railway Company.

Mr. Bunny was heard in opposition to the application.

The committee deliberated.

The *Chairman* declared that the committee could not, under the circumstances, allow the time asked for by the Melbourne and Suburban Railway Company.

The manuscript clauses were then withdrawn.

Mr. Carter was heard to address the committee against the preamble of the Bill.

A. K. Smith, Esq., was called in and examined by *Mr. Carter* and by the committee.

Cross-examined by *Mr. Bunny*.

Re-examined by *Mr. Carter*.

Mr. Bunny was heard in reply.

Committee adjourned to Tuesday next, at Two o'Clock.

TUESDAY, 14TH DECEMBER, 1858.

Members present:—

Mr. Brooke (in the Chair),
Dr. Greeves, Mr. Grant, Mr. Crews.

Counsel and parties were called in.

The minutes taken at the last meeting of the committee were read.

Mr. Bunny was heard to address the committee in favor of a single line of railway.

Mr. C. Swyer was again called in and further examined by *Mr. Bunny* and by the committee.

Cross-examined by *Mr. Carter*.

William Randal, Esq., was again called in and further examined by *Mr. Bunny* and by the committee.

Cross-examined by *Mr. Carter*.

Mr. C. Swyer was again called in and further examined by the committee.

A. K. Smith, Esq., was again called in and further examined by the committee.

Mr. C. Swyer was again called in and further examined by the committee.

Mr. Craven, town clerk of Prahran, was called in and examined by the committee and by *Mr. Bunny*.

Mr. C. Swyer was again called in and further examined by the committee.

Mr. Bunny was heard to address the committee in support of the preamble of the Bill.

Committee deliberated.

Motion made—That the word “repealed” in the first line of the preamble be struck out, with the view of inserting the word “amended” in lieu thereof.—(*Dr. Greeves.*)

Question put—That the words proposed to be omitted be so omitted.
Committee divided.

Ayes, 1.
Dr. Greeves.

Noes, 2.
Dr. Owens.
Mr. Crews.

And so it was resolved in the negative.

Motion made—That the preamble do stand part of the Bill.—(*Dr Owens.*)

Question put—and resolved in the affirmative.

Resolved—That in the opinion of this committee the preamble has been proved.

The *Chairman* informed the promoters that the committee considered the preamble proved.

Committee adjourned to to-morrow at Two o'clock.

WEDNESDAY, 15TH DECEMBER, 1858.

Members present :—

Mr. Brooke (in the Chair),
Mr. Crews, Mr. Grant, Dr. Owens.

Counsel and parties were called in.

The minutes taken at the last meeting of the committee were read.

Clause I. read.

Mr. Carter was heard in opposition to this clause.

Mr. Bunny was heard in reply.

The clause was then passed.

Clause II. read.

Motion made—That the word “three” in the 3rd line of the clause be struck out, with the view of inserting the word “two” in lieu thereof.

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

Question—That the words proposed to be inserted be so inserted—put, and resolved in the affirmative.

The clause was then passed.

Clause III. read.

Mr. Carter was heard in opposition to this clause.

Mr. Bunny was heard in reply.

The clause was then passed, with amendments, as noted in the committee bill.

Mr. Bunny then read manuscript clause E, (*vide* minutes of evidence); and proposed its insertion in the Bill.

Committee adjourned to to-morrow at Two o'clock.

THURSDAY, 16TH DECEMBER, 1858.

Members present :—

Mr. Brooke (in the Chair),
Mr. Crews, Dr. Owens, Dr. Greeves.

Counsel and parties were called in.

The minutes taken at the last meeting of the committee were read.

Mr. Bunny, in accordance with the desire of the committee, handed in manuscript clause E, and proposed its insertion in the Bill.

Mr. Carter was heard in opposition to this clause.

Mr. Bunny was heard in reply.

The clause was then passed.

Ordered—That the chairman do report the Bill, with its amendments, to the House.