VIC. · MINUTES OF THE PROCEEDINGS OF THE LEG. COUNCIL. SESSION 1922.

VICTORIA.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

SESSION 1922.

WITH A COPY OF THE DOCUMENT ORDERED TO BE PRINTED.

By Authority:
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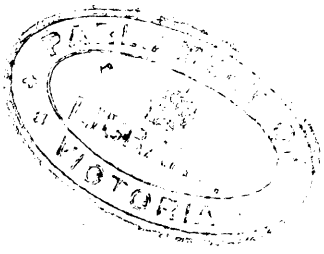
VICTORIA.



LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 1.

TUESDAY, 4TH JULY, 1922.

1. The Council met pursuant to the Proclamation of His Excellency the Governor, bearing date the fourteenth day of June, 1922, which Proclamation was read by the Clerk and is as follows :—

FURTHER PROROGUING THE PARLIAMENT AND FIXING THE TIME FOR HOLDING THE SECOND SESSION OF THE TWENTY-SEVENTH PARLIAMENT OF VICTORIA.

PROCLAMATION

By His Excellency Colonel the Right Honorable George Edward John Mowbray, Earl of Stradbroke, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honorable Order of the Bath, Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire, Aide-de-Camp to His Majesty the King; Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

WHEREAS The Parliament of Victoria stands prorogued until Tuesday, the twentieth day of June 1922: Now I, the Governor of the State of Victoria, in the Commonwealth of Australia, do by this my Proclamation further prorogue the said Parliament of Victoria until Tuesday, the fourth day of July, 1922, and I do hereby fix Tuesday, the fourth day of July aforesaid at the hour of Twelve o'clock noon as the time for the commencement and holding of the next Session of the said Parliament of Victoria for the despatch of business, in the State Parliament Houses, situate in the Carlton Gardens, in the City of Melbourne; and the Honorable 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 State of Victoria aforesaid, at Melbourne, this fourteenth day of June, in the year of our Lord One thousand nine hundred and twenty-two, and in the thirteenth year of the reign of His Majesty King George V.

(L.S.) STRADBROKE.

By His Excellency's Command,

H. S. W. LAWSON.

GOD SAVE THE KING!

6957. (275 copies.)

2. Commission to Administer Oath to Members.—The Honorable Sir Leo Cussen, a Commissioner from His Excellency the Governor to administer the Oath prescribed by the thirty-second section of the Act No. 2632, was introduced by the Usher.

The Commissioner handed his Commission to the Clerk, who read the same as follows:—

By His Excellency Colonel the Right Honorable George Edward John Mowbray, Earl of Stradbroke, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honorable Order of the Bath, Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire, Aide-de-Camp to His Majesty the King; Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

To the Honorable Sir Leo Finn Bernard Cussen, Knight, Judge of Our Supreme Court in Our said State of Victoria.

Greeting:

Whereas by the thirty-second section of *The Constitution Act Amendment Act* 1915, No. 2632, it is enacted that no Member either of the Legislative Council or the Legislative Assembly shall be permitted to sit or vote therein respectively until he has taken and subscribed before the Governor, or some person authorized by the Governor in that behalf, the Oath set out in the Second Schedule to the aforesaid Act: Now therefore I, the Governor of the said State, do by these presents command and authorize you to proceed to the State Parliament House, in the Carlton Gardens, in the City of Melbourne, on Tuesday, the fourth day of July instant, at Twelve of the clock noon, then and there to administer the said Oath to the several Members of the said Legislative Council to whom the same shall not have been already administered.

Given under my Hand and the Seal of the State, at Melbourne, in the said State, this twenty-seventh day of June, in the year of Our Lord One thousand nine hundred and twenty-two, and in the thirteenth year of the reign of His Majesty King George V.

(L.S.) STRADBROKE.

By His Excellency's Command,

MATTHEW BAIRD.

Entered on Record by me in Register of Patents, Book 29, page 88, this twenty-seventh day of June, One thousand nine hundred and twenty-two.

C. S. McPherson,
Under Secretary.

3. Returns to Writs.—The Clerk announced that there had been received a return to a writ issued by the Honorable the President of the Council for the election of a Member to serve for the Nelson Province in the place of the Honorable James Drysdale Brown, deceased, and by the indorsement on such writ it appeared that—

The Honorable Edwin George Bath

had been elected in pursuance thereof; also that there had been received returns to writs issued by the Honorable the President for the election of Members to serve in the places of Members whose seats became vacant by effluxion of time, and by the indorsements on such writs it appeared that the following Members had been elected in pursuance thereof:—

The Honorable James Kerr Merritt for the East Yarra Province;
The Honorable Herbert Henry Smith for the Melbourne Province;
The Honorable John Percy Jones for the Melbourne East Province;
The Honorable Esmond Laurence Kiernan for the Melbourne North Province;
The Honorable Thomas Henry Payne for the Melbourne South Province;
The Honorable Robert Williams for the Melbourne West Province;
The Honorable Joseph Sternberg for the Bendigo Province;
The Honorable Martin McGregor for the Gippsland Province;
The Honorable Theodore Beggs for the Nelson Province;
The Honorable Richard Hartley Smith Abbott for the Northern Province;
The Honorable John Richards Harris for the North-Eastern Province;
The Honorable William Paul Crockett for the North-Western Province;
The Honorable William Charles Angliss for the Southern Province;
The Honorable William Tyner for the South-Eastern Province;
The Honorable Horace Frank Richardson for the South-Western Province;
The Honorable Frederick William Brawn for the Wellington Province; and
The Honorable Sir Walter Manifold for the Western Province.

4. Swearing-in of New Members.—The Honorables Sir Walter Manifold, R. H. S. Abbott, W. Angliss, E. G. Bath, T. Beggs, F. W. Brawn, W. P. Crockett, Dr. J. R. Harris, J. P. Jones, E. L. Kiernan, M. McGregor, J. K. Merritt, H. F. Richardson, H. H. Smith, J. Sternberg, W. Tyner, and R. Williams, having severally approached the Table, took and subscribed the oath required by law, and severally delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632, as hereunder set forth:—

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, WALTER SYNNOT MANIFOLD, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Two hundred and six pounds (£206) above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of the shire of Warrnambool, and are known as parts of Crown allotment 24A and Crown allotment 23A[1], parish of Mepunga, county of Heytesbury, containing three hundred and thirty-three acres three roods and eighteen perches.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of the shire of Warrnambool are rated in the rate-book of the said municipality upon a yearly value of £206.

"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.

"WALTER MANIFOLD."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, RICHARD HARTLEY SMITH ABBOTT, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of One hundred and ten pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of city of Bendigo, and are known as 'Mandalay,' and 'Tacsonia,' Rowan-street, Bendigo.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Bendigo are rated in the rate-book of the said municipality upon a yearly value of £110.

"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.

"RICHARD HARTLEY SMITH ABBOTT."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, WILLIAM CHARLES ANGLISS, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Five hundred and sixty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of city of Melbourne and are known as part of allotment 6, section 24, city of Melbourne, parish of North Melbourne, county of Bourke, and being the whole of the land comprised in certificate of title, volume 3701, folio 740157.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of city of Melbourne are rated in the rate-book of the said municipality upon a yearly value of £560.

"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.

"W. ANGLISS."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, EDWIN GEORGE BATH, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Kara Kara, and are known as Pleasant-side Estate.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Kara Kara are rated in the rate-book of the said municipality upon a yearly value of £266.

"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."

"EDWIN G. BATH."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, THEODORE BEGGS, of Eurambeen, Beaufort, grazier, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Fifty-one pounds ten shillings above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Ripon, and are known as Crown allotments 70B, 73C, 74, 74A, and 73B, parish of Eurambeen, county of Ripon, containing 206 acres.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Ripon are rated in the rate-book of the said municipality upon a yearly value of £51 10s.

"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.

"THEODORE BEGGS."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, FREDERICK WILLIAM BRAWN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of One hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Ballarat, and are known as three brick cottages situate in Mill-street.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Ballarat are rated in the rate-book of the said municipality upon a yearly value of £124.

"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."

"F. W. BRAWN."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, WILLIAM PAUL CROCKETT, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Seventy-five pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Caulfield and are known as 273 Glenhuntly-road, Elsternwick.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Caulfield are rated in the rate-book of the said municipality upon a yearly value of £75.

"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.

"W. P. CROCKETT."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, JOHN RICHARDS HARRIS, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of shire of Rutherglen, and are known as 'Norong Lea' vineyard, Rutherglen, and a residence, 'Hiawatha,' Rutherglen.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of shire of Rutherglen are rated in the rate-book of the said municipality upon a yearly value of £300.

"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.

"JOHN R. HARRIS."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, JOHN PERCY JONES, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Four hundred and seventy pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Melbourne, and are known as 20, 22, 24, and 26 Patrick-street, Melbourne.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of the said municipality upon a yearly value of £470.

"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.

"J. P. JONES."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, ESMOND LAURENCE KIERNAN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Seventy pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Heidelberg, and are known as house and land in Waldemar-road, Ivanhoe.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Heidelberg are rated in the rate-book of the said municipality upon a yearly value of £70.

"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.

"ESMOND L. KIERNAN."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, MARTIN McGREGOR, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Narracan, and are known as allotment 97A, parish of Moe, county of Buln Buln, and occupied by me as residence.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Narracan are rated in the rate-book of the said municipality upon a yearly value of £130.

"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.

"M. McGREGOR."

"In compliance with the provisions of *The Constitution Act Amendment* Act 1915, I, JAMES KERR MERRITT, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of One hundred and seventy pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Kew, and are known as 'Fairholme,' Fellows-street.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Kew are rated in the rate-book of the said municipality upon a yearly value of £170.

"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.

"J. K. MERRITT."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, HORACE FRANK RICHARDSON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Two hundred and twenty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of city of Geelong, and are known as 'The Exchange' property, Little Malop-street, Geelong, and occupied by myself and tenants.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of city of Geelong are rated in the rate-book of the said municipality upon a yearly value of £220.

"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.

"H. F. RICHARDSON."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, HERBERT HENRY SMITH, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Melbourne, and are known as 290–294 Lonsdale-street, Melbourne.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of the said municipality upon a yearly value of £220.

"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.

"HERBERT H. SMITH."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, JOSEPH STERNBERG, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal districts of the shires of Waranga and Deakin, and are known as, firstly, Crown allotments 70E, 70F, parish of Moora, county of Rodney, in the municipal district of the shire of Waranga; secondly, Crown allotment 40, in the parish of Burrumboot East, county of Rodney, in the municipal district of the shire of Waranga; and thirdly Crown allotments 39A, 39B, 40A, 40B, 41B, in the parish of Carag Carag, county of Rodney, in the municipal district of the shire of Deakin.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of the shire of Waranga and are firstly above described are rated in the rate-book of the said municipality upon a yearly value of £52; and that such of the said lands or tenements as are situate in the municipal district of the shire of Waranga and are secondly above described are rated in the rate-book of the said municipality upon a yearly value of £52; and that such of the said lands or tenements as are situate in the municipal district of the shire of Deakin and are thirdly above described are rated in the rate-book of the said municipality upon a yearly value of £54.

"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.

"J. STERNBERG."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, WILLIAM TYNER, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Ninety pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further that such lands or tenements are situate in the municipal district of Caulfield, and are known as 60 Hawthorn-road, Caulfield.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Caulfield are rated in the rate-book of the said municipality upon a yearly value of £90.

"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.

"WILLIAM TYNER."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, ROBERT WILLIAMS, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Seventy-five pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situate in the municipal district of South Melbourne, and are known as 123 Wright-street, Middle Park.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of South Melbourne are rated in the rate-book of the said municipality upon a yearly value of £75.

"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.

"R. WILLIAMS."

The Honorable Sir Leo Cussen attested the Oath Roll, and then withdrew.

5. DECLARATIONS OF MEMBERS.—The Honorables A. A. Austin, W. J. Beckett, A. Bell, A. E. Chandler, F. G. Clarke, W. L. R. Clarke, H. I. Cohen, G. M. Davis, J. H. Disney, W. H. Edgar, G. L. Goudie, H. Keck, W. Kendell, D. L. McNamara, A. Robinson, and E. J. White, severally delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632, as hereunder set forth:—

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, AUSTIN ALBERT AUSTIN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Buninyong, and are known as Larundel, Elaine.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Buninyong are rated in the rate-book of the said municipality upon a yearly value of £2,255.

"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.

"AUSTIN A. AUSTIN."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, WILLIAM JAMES BECKETT, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds sterling above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Fitzroy, and are known as Nos. 150 to 156 Gertrude-street, Nos. 70, 72, 74 Napier-street.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Fitzroy are rated in the rate-book of the said municipality upon a yearly value of £157.

"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.

"W. J. BECKETT."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, ALEXANDER BELL, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Fifty-five pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of city of Ballarat and are known as 101 Wendouree-parade, Ballarat.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of city of Ballarat are rated in the rate-book of the said municipality upon a yearly value of £55.

"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.

"ALEXANDER BELL."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, ALFRED ELLIOTT CHANDLER, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Two hundred and seventy-seven pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal districts of Ferntree Gully and Mentone and Mordialloc, and are known as 'Boronia,' corner of Boronia and Forest roads, Boronia, being portion of Crown lot 69, parish of Scoresby; and 'Swansea,' Beach-road, Mordialloc.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Ferntree Gully are rated in the rate-book of the said municipality upon a yearly value of £227, and that such of the said lands or tenements as are situate in the municipal district of Mentone and Mordialloc are rated in the rate-book of the said municipality upon a yearly value of £50.

"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.

"A. E. CHANDLER."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, FRANCIS GRENVILLE CLARKE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Rodney, and are known as part of Crown allotments 88 and 89, parish of Murchison North, county of Rodney.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Rodney are rated in the rate-book of the said municipality upon a yearly value of £61.

"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.

"FRANK CLARKE."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, WILLIAM LIONEL RUSSELL CLARKE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Two hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Bulla, and are known as Rupertswood Farm, three hundred and eighty-two acres, being Crown allotment 2 and parts of Crown allotment 1 of section 21 of the parish of Bulla Bulla, No. 278 in the rate-book.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Bulla are rated in the rate-book of the said municipality upon a yearly value of £200.

"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.

"W. L. RUSSELL CLARKE.

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, HENRY ISAAC COHEN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of One hundred and seventy-six pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal districts of Melbourne and Northcote, and are known as 'Keonbrook,' 106 Vale-street, East Melbourne, and lots 11 and 12, part A, of Thornbury Park Estate.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of the said municipality upon a yearly value of £160, and that such of the said lands or tenements as are situate in the municipal district of Northcote are rated in the rate-book of the said municipality upon a yearly value of £16.

"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.

"HENRY ISAAC COHEN."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, GEORGE MARTLEY DAVIS, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Four hundred and eighty-three pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal districts of Rosedale and Sale, and are known as 'Grasslea' (Pearce's Paddock), 1,269 acres in Rosedale shire; and Mathieson and Davis' offices and saleyards, Frances' stables, and Bolithos' tobacconist shop in Sale borough.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Rosedale are rated in the rate-book of the said municipality upon a yearly value of £340, and that such of the said lands or tenements as are situate in the municipal district of Sale are rated in the rate-book of the said municipality upon a yearly value of £143.

"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.

"G. M. DAVIS."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, JAMES HERBERT DISNEY, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of South Melbourne, and are known as 'Clontarf Terrace,' Cecil-street, South Melbourne.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of South Melbourne are rated in the rate-book of the said municipality upon a yearly value of £167.

"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.

"J. H. DISNEY."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, WILLIAM HASLAM EDGAR, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Ninety pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of St. Kilda, and are known as 182 and 184 St. Kilda-street, St. Kilda.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of St. Kilda are rated in the rate-book of the said municipality upon a yearly value of £90.

"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.

"W. H. EDGAR."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, GEORGE LOUIS GOUDIE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Fifty-eight pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Caulfield, and are known as 49 Elizabeth-street, Elsternwick.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Caulfield are rated in the rate-book of the said municipality upon a yearly value of £58.

"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.

"GEO. L. GOUDIE."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, HERBERT KECK, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Two hundred and forty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Strathfieldsaye, and are known as 'The Palms,' Retreat-road, Bendigo.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Strathfieldsaye are rated in the rate-book of the said municipality upon a yearly value of £240.

"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.

"HERBERT KECK."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, WILLIAM KENDELL, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Seventy-two pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Hawthorn, and are known as The Oaks, Auburn-road, Auburn.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Hawthorn are rated in the rate-book of the said municipality upon a yearly value of £72.

"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.

"WM. KENDELL."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, DANIEL LAURENCE MCNAMARA, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal districts of Berwick and Caulfield, and are known as allotment 2, section P, and allotment 49A, section Q, parish of Koo-wee-rup East, county of Mornington; also house and land known as 'Iona,' Talbot-avenue, East St. Kilda.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Berwick are rated in the rate-book of the said municipality upon a yearly value of £64, and that such of the said lands or tenements as are situate in the municipal district of Caulfield are rated in the rate-book of the said municipality upon a yearly value of £55.

"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.

"D. L. MCNAMARA."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, ARTHUR ROBINSON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Eighty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of St. Kilda, and are known as Nos. 267 and 269 High-street, St. Kilda.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of St. Kilda are rated in the rate-book of the said municipality upon a yearly value of £80.

"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.

"ARTHUR ROBINSON."

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, EDWARD JAMES WHITE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of One hundred and twenty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal districts of Dundas and borough of Hamilton, and are known as 'Waratah,' being part of subdivision of the Kenilworth Estate, parish of Gatum Gatum, county of Dundas, containing 1,786½ acres. In the borough of Hamilton is my house and allotment fronting Gray-street; and an allotment at back of Hospital.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Dundas are rated in the rate-book of the said municipality upon a yearly value of £150, and that such of the said lands or tenements as are situate in the municipal district of borough of Hamilton are rated in the rate-book of the said municipality upon a yearly value of £44.

"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.

"E. J. WHITE."

6. ELECTION OF PRESIDENT.—The Clerk announced that the time had arrived for proceeding to the election of a President of the Council.

The Honorable A. Robinson, addressing the Clerk, proposed to the Council for their President the Honorable Sir Walter Synnot Manifold and moved, That the Honorable Sir Walter Synnot Manifold do take the Chair of the Council as President, which motion was seconded by the Honorable J. Sternberg.

The Honorable Sir Walter Synnot Manifold, addressing the Clerk, expressed the high sense he had of the honour proposed to be conferred upon him, and submitted himself to the Council.

The Council then unanimously calling the Honorable Sir Walter Synnot Manifold to the Chair, he was taken out of his place by the Honorable A. Robinson and the Honorable J. Sternberg and conducted to the Chair; and, standing on the dais, he returned his acknowledgments to the Council for the great honour that had been conferred upon him, and thereupon he took the Chair of the President.

Then the Honorables A. Robinson and J. P. Jones congratulated the Honorable the President.

The Honorable A. Robinson announced that His Excellency the Governor would be pleased to receive the Honorable the President-elect and Members of the Legislative Council at a quarter to two o'clock this afternoon, in the Library of the State Parliament House.

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

His Excellency came into the Council Chamber, and commanded the Usher to desire the immediate attendance of the Legislative Assembly, 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 that I may avail myself of your advice and assistance on matters of public importance.

The continuance of the sound financial position of the State is a matter for congratulation. This has only been made possible by the strictest economy in administration consistent with the requirements of a developing community.

The past year has been very favorable for agricultural and pastoral pursuits.

New works for the storage and distribution of water for irrigation and for domestic and stock supply are being constructed throughout the State. Considerable extensions have been made, and will be continued, particularly in the North-west.

The settlement of returned soldiers has been vigorously continued, and more than 9,200 have already been placed on land. 350,000 acres of Mallee land, in addition to other Crown lands and to resumed properties, have been utilized for this purpose. The Crown Lands Investigation Committee has made an exhaustive inspection of Crown lands. In East and South Gippsland, Beech Forest, and Kinglake, Crown lands and privately owned undeveloped mountain areas will afford opportunities for successful settlement.

Railway extensions now being made will serve 500,000 acres of new Mallee, which will be made available for settlement in about 500 blocks. The surveys are in hand, and arrangements are being made for water supply. In addition about 1,362,000 acres of new Mallee can be made available in over 1,300 farms when the necessary railway extensions are in course of construction. The question of the provision of railways will be referred to the Railways Standing Committee as early as practicable.

The Lands Department and the State Rivers and Water Supply Commission are making preparations for the further settlement of soldiers, civilians, and immigrants on the land. The development of immigration on a sound basis has engaged the earnest attention of my Advisers, and a comprehensive scheme of general land settlement to be carried out in conjunction with immigration will be submitted for your consideration.

Proposals for the development of the tourist resorts of the State will be submitted to you.

The problem of increasing the facilities for shipping at Geelong and the outer ports as a means of decentralization will be dealt with by a Bill which will make provision also for the control and the finances of the ports.

The State Electricity Commission has recommended two important electrical schemes, one for the supply of electricity to the South-western district of Victoria, and the other for the acquisition of the North Melbourne Electric Tramways and Lighting Company's undertaking. It is proposed to transfer the tramway operated by the Company to the control of the Melbourne and Metropolitan Tramways Board.

Investigations made by the Commission as to the power resources of Sugarloaf Reservoir, Snob's Creek, and the Rubicon River indicate the feasibility of a suitable hydro-electric scheme, which will meet the requirements of the North-eastern district, and form a useful adjunct to the Morwell scheme.

Proposals for the supply of electricity to country centres on terms which, it is anticipated, will encourage the development of country industries will be laid before you.

The earnings of the railways for the financial year 1921–22 have exceeded any previously made in the history of the Department. Close supervision has been kept over working expenses; and, although the accounts have not yet been closed, it is anticipated that the railway deficit for the year will be comparatively small.

My Advisers are giving effect to reforms in the Penal and Police Departments and the Department for Neglected Children.

The expenditure during the last financial year on school buildings throughout the State has been larger than that in any year in the last decade. A continuance of an active building programme is necessary in the interests of education, and proposals to that end will be laid before you in due course.

A measure will be submitted for your consideration dealing with the supply of milk; and another to provide for compensation for losses caused by the destruction of cattle suffering from pleuro-pneumonia and certain other diseases.

Mr. Speaker and Gentlemen of the Legislative Assembly:

The Estimates of Revenue and Expenditure which will be laid before you have been prepared with strict regard both to economy and to efficiency, and make adequate provision for the requirements of the State.

Mr. President and Honorable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the Legislative Asssembly:

In addition to the measures already indicated, and other matters which will be submitted for your attention, Bills will be introduced during the Session dealing with the following subjects:—

Hospitals and Charities, Amendment of the State Electricity Commission Acts, Vermin and Noxious Weeds, Factories and Shops, Juries, Friendly Societies, Industrial and Provident Societies, Gas, Metropolitan Drainage and Streams, Brands, Apprenticeship, Fruit Shops, Metropolitan Cemeteries, Amendment of the Land Acts, Building Regulations, Licensing, Tramways, and the University.

I now leave you to the discharge of your important duties, in the hope that under the blessing of Divine Providence your labours may promote the well-being of the community.

Which being concluded, a copy of the Speech was delivered to the President, and a copy to Mr. Speaker, and His Excellency the Governor left the Chamber.

The Legislative Assembly then withdrew.

8. The President took the Chair and read the Prayer.

9. Reception of the President-elect by the Governor.—The President reported that, accompanied by honorable members, he had presented himself to the Governor, who had been pleased to approve of the choice made by the Council, and had addressed him in the following terms:—

Mr. President,

I have pleasure in congratulating you upon your election for the second time to the office of President of the Legislative Council.

Your previous experience in that high and important office, and the able manner in which you have carried out the duties in the past prove that honorable members have made a wise choice in your election.

10. Commission to Administer Oath to Members.—The President announced that he had received from His Excellency the Governor a Commission, which was read by the Clerk, and is as follows :—

By His Excellency Colonel the Right Honorable George Edward John Mowbray, Earl of Stradbroke, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honorable Order of the Bath, Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire, Aide-de-Camp to His Majesty the King; Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

To the Honorable Sir Walter Synnot Manifold, Knt., President of the Legislative Council of the State of Victoria.

Greeting :

Whereas by the thirty-second section of *The Constitution Act Amendment Act* 1915, No. 2632, it is enacted that no Member either of the Legislative Council or the Legislative Assembly shall be permitted to sit or vote therein respectively until he has taken and subscribed before the Governor, or some person authorized by the Governor in that behalf, the Oath set out in the Second Schedule to the aforesaid Act: Now therefore I, the Governor aforesaid, do by these presents command and authorize you from time to time in the State Parliament House, in the Carlton Gardens, 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 since their election to the said Legislative Council.

Given under my Hand and the Seal of the State, at Melbourne, in the said State, this fourth day of July, in the year of Our Lord One thousand nine hundred and twenty-two, and in the thirteenth year of the reign of His Majesty King George V.

(L.S.)

STRADBROKE.

By His Excellency's Command,
MATTHEW BAIRD.

Entered on record by me in Register of Patents, Book 29, Page 89, this fourth day of July, One thousand nine hundred and twenty-two.

C. S. McPherson,
Under Secretary.

11. Poisons Bill.—On the motion of the Honorable A. Robinson, a Bill to amend Section Thirty-four of the *Poisons Act* 1915 was read a first time, ordered to be printed and to be read a second time on Tuesday next.

12. Committee of Elections and Qualifications.—The President laid upon the Table the following Warrant appointing the Committee of Elections and Qualifications :—

Legislative Council—Victoria.

Pursuant to the provisions of *The Constitution Act Amendment Act* 1915 I do hereby appoint—

The Honorable Austin Albert Austin,
The Honorable Alexander Bell,
The Honorable Alfred Elliott Chandler,
The Honorable Henry Isaac Cohen,
The Honorable James Herbert Disney,
The Honorable William Haslam Edgar, and
The Honorable Herbert Keck,

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

Given under my hand this fourth day of July, One thousand nine hundred and twenty two.

WALTER MANIFOLD,
President of the Legislative Council.

13. Chairman of Committees.—The Honorable A. Robinson moved, by leave, That the Honorable William Haslam Edgar be Chairman of Committees of the Council.

Question—put and resolved in the affirmative.

14. Parliamentary Standing Committee on Railways.—The Honorable A. Robinson moved, by leave, That the Honorable Horace Frank Richardson be appointed a member of the Parliamentary Standing Committee on Railways.

Question—put and resolved in the affirmative.

15. The Late Chairman of Committees (Hon. J. D. Brown).—The Honorable A. Robinson moved, by leave, That this House desires to place on record its deep sense of the loss it has sustained through the death of its Chairman of Committees, the Honorable James Drysdale Brown.

And other honorable members having addressed the House—

The President said—

Before putting the motion, I should like to add my tribute to the character of our late Chairman of Committees. He was a man of sterling integrity, and I think the more one saw of him the more one appreciated his sterling character. He was altogether lovable. When I first heard of his death I sent a telegram to his brother in New Zealand, who was his nearest relative, to which I received the answer :—"I much appreciate your sympathy." I am sure honorable members have felt Mr. Brown's loss very much indeed. He was a very fine member of Parliament and a very able man, and, as has been said, a man of very great industry. Although we have

many good men in this House, I feel that Mr. Brown was a type of man we could ill afford to spare. However, it was the will of Providence that he should be taken, and, as Mr. Cohen has said, he practically died in harness. There is little or no doubt that the excessively long sitting at the close of last session, on top of his not being very well at the time, was the immediate cause of his death. I deplore it very much indeed, and thoroughly sympathize with his brother and other relatives.

The question was then put and, honorable members signifying their assent by rising in their places, unanimously resolved in the affirmative.

16. PAPERS.—The Honorable A. Robinson presented, by command of His Excellency the Governor—

Aborigines.—Forty-ninth Report of the Board for the Protection of the Aborigines.
Charitable Institutions.—Statistics for the year 1920-21.
Inebriate Institutions.—Report of the Inspector of Inebriate Institutions for the year 1920.
Indeterminate Sentences Board.—Report for the year 1920-21.
Milk Supply.—Report by Dr. Stanley Argyle, M.B., M.R.C.S., M.L.A., on the Municipal Milk Supply of the City of Wellington, New Zealand, February, 1922.
Mines Department.—Gold and Mineral Statistics for the year 1921.
State Electricity Commission of Victoria.—Report on Charges for Electricity.
Victorian Coal Miners' Accidents Relief Board.—Report for the year 1921.

Severally ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Agricultural Education.—Accounts of the Trustees of Agricultural Colleges and the Council of Agricultural Education for the six months ended 31st December, 1921.

Bank Liabilities and Assets.—Summary of Sworn Returns—
For the quarter ended 31st December, 1921.
For the quarter ended 31st March, 1922.

Companies Act 1915.—Rule 196—Return by Prothonotary of Business of Court in connexion with the winding up of Companies.

Constitution Act Amendment Act 1915.—Part VIII.—Statement of Appointments and Alterations of Classification in the Department of the Legislative Assembly.

Crimes Act 1915.—Amendment of Regulations.

Education Act 1915—
Regulation added to.
Regulations rescinded, Regulations substituted. (Regulations X. and XI.)
Regulation XXXI.—Classified Roll—Qualifications of Female Teachers.

Exhibition Trustees.—Report of Proceedings and Statement of Receipts and Expenditure for the year 1920-21.

Explosives Act 1915.—Additions to Orders in Council.

Fire Brigades Act 1915—Country Fire Brigades Board—
Additional Regulations.
Report for the year 1921, together with Statement of Receipts and Expenditure and Assets and Liabilities for that period.

Firearms Act 1921.—Regulations.

Geelong Waterworks and Sewerage Trust—Fourteenth Balance-sheet as at 30th June, 1921.

Health Act 1919—
Regulations relating to Infectious Diseases.
Regulations relating to Meat Supervision.
Regulations for Insuring the Cleanliness of Barbers' and Hairdressers' Shops and Premises.
Regulations relating to the Form of Certificate of Analysis and the Fees to be paid to the Commission for such Analysis and for a copy of a Certificate of Analysis.

Insolvency Act 1915—General Rules.

Justices Act 1915—Additional Rule.

Lunacy Act 1915—Application of Divisions 2 and 3 of Part VIII. to the Dominion of New Zealand.

Marine Act 1915—Marine Board of Victoria—
Amendments of the Regulations relating to Pilots and Pilotage.
Regulations for the Selection of Skilled Members of the Court of Marine Inquiry.
Statements of Receipts and Disbursements on Pilotage Account for the year 1921.

Mental Treatment Act 1915—Amendment of Regulations.

Metropolitan Hawkers Act 1918—Regulations.

Mines Act 1915—List of Suspensions granted of the Labour Covenants of Mining Leases and Licences during the year 1921.

Pharmacy Board of Victoria—Further Regulations.

Public Library, Museums, and National Gallery of Victoria—Report of the Trustees for 1921, with a Statement of Income and Expenditure for the year 1920–21.

Public Service Acts—
Copy of Papers in connexion with the promotion of G. S. McLean from the Third Class to the Second Class, Department of Chief Secretary.

Regulations—
Attendance and Conduct of Officers, Chapter XIII.
Classification of General Division, Chapter VI.—
Department of Agriculture.
Department of Treasurer.
General.
Professional Division, Chapter II.—
Department of Agriculture (3 papers).
Department of Chief Secretary.
Departments of Law and Chief Secretary.
Department of Public Health.
Departments of Public Instruction and Chief Secretary (2 papers).
Stores and Transport, Chapter XV.
Travelling Allowances, Chapter IX., Department of Agriculture.
Railways—
Report of the Victorian Railways Commissioners—
For the quarter ended 30th September, 1921.
For the quarter ended 31st December, 1921.
Thirty-second General Report of the Parliamentary Standing Committee on Railways.
River Murray Waters Act 1915—Regulations in relation to Tolls.

17. Speech of His Excellency the Governor.—The President reported the Speech of His Excellency the Governor.

The Honorable E. G. Bath moved, That a Committee be appointed to prepare an Address to His Excellency the Governor in reply to His Excellency's Opening Speech.
Question—put and resolved in the affirmative.
The Honorable E. G. Bath moved, That the Committee consist of the Honorables E. G. Bath, W. Tyner, R. H. S. Abbott, H. Keck, M. McGregor, H. H. Smith, and R. Williams.
Question—put and resolved in the affirmative.
The Committee retired to prepare the Address.
The Honorable E. G. Bath brought up the Address, which had been agreed to by the Committee, and the same was read by the Clerk, and is as follows :—

To His Excellency Colonel the Right Honorable George Edward John Mowbray, Earl of Stradbroke, K.C.M.G., C.B., C.V.O., C.B.E., Aide-de-Camp to His Majesty the King, Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

May it please Your Excellency—

We, the Legislative Council of Victoria, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the gracious Speech which you have been pleased to address to Parliament.

The Honorable E. G. Bath moved, That the Council agree with the Committee in the said Address.
Debate ensued.
The Honorable D. L. McNamara moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until Tuesday next.

18. Adjournment.—The Honorable A. Robinson moved, That the Council at its rising adjourn until Tuesday next, at half-past four o'clock.
Question—put and resolved in the affirmative.

And then the Council, at eleven minutes past six o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: Albert J. Mullett, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 2.

TUESDAY, 11TH JULY, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Three Million one hundred and twenty-seven thousand two hundred and eighty-one pounds to the service of the year One thousand nine hundred and twenty-two and One thousand nine hundred and twenty-three*" and desiring the concurrence of the Council therein.

3. CONSOLIDATED REVENUE BILL (No. 1).—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

4. DAYS OF BUSINESS.—The Honorable A. Robinson moved, That Tuesday, Wednesday, and Thursday in each week be the days on which the Council shall meet for the despatch of business during the present Session, and that half-past Four o'clock be the hour of meeting on each day; that on Tuesday and Thursday in each week the transaction of Government business shall take precedence of all other business; and that on Wednesday in each week Private Members' business shall take precedence of Government business.

The Honorable W. J. Beckett moved, as an amendment, That the following words be added to the motion:—"and that no new business be taken after the hour of Eleven o'clock."

Debate ensued.

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

Question—That Tuesday, Wednesday, and Thursday in each week be the days on which the Council shall meet for the despatch of business during the present Session, and that half-past Four o'clock be the hour of meeting on each day; that on Tuesday and Thursday in each week the transaction of Government business shall take precedence of all other business; and that on Wednesday in each week Private Members' business shall take precedence of Government business; and that no new business be taken after the hour of Eleven o'clock—put and resolved in the affirmative.

5. STANDING ORDERS COMMITTEE.—The Honorable A. Robinson moved, That the Honorables the President, A. A. Austin, F. W. Brawn, F. G. Clarke, H. I. Cohen, W. H. Edgar, J. P. Jones, T. H. Payne, A. Robinson, and J. Sternberg be members of the Select Committee on the Standing Orders of the House; three to be the quorum.

Question—put and resolved in the affirmative.

6. HOUSE COMMITTEE.—The Honorable A. Robinson moved, That the Honorables W. Angliss, A. Bell, G. M. Davis, W. Kendell, and D. L. McNamara be members of the House Committee.

Question—put and resolved in the affirmative.

7. LIBRARY COMMITTEE.—The Honorable A. Robinson moved, That the Honorables the President, W. J. Beckett, T. Beggs, W. L. R. Clarke, and E. J. White be members of the Joint Committee to manage the Library.

Question—put and resolved in the affirmative.

8. PRINTING COMMITTEE.—The Honorable A. Robinson moved, That the Honorables the President, R. H. S. Abbott, A. E. Chandler, W. P. Crockett, J. H. Disney, Dr. J. R. Harris, H. Keck, E. L. Kiernan, M. McGregor, and H. H. Smith be members of the Printing Committee; three to be the quorum.

Question—put and resolved in the affirmative.

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9. STATUTE LAW REVISION COMMITTEE.—The Honorable A. Robinson moved, That, in compliance with the recommendation of the Joint Select Committee on the Consolidation of the Laws adopted by this House on the 22nd June, 1915, a Committee be appointed, consisting of six members, to join with a Committee of the Legislative Assembly, to deal with anomalies in the law and make recommendations as to statutory amendments, such Committee to consist of the Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, H. F. Richardson, and A. Robinson, with power to send for persons, papers, and records; five to be the quorum.

Question—put and resolved in the affirmative.

Ordered—That a Message be sent to the Assembly acquainting them with the foregoing resolution.

10. GAMING BILL.—On the motion of the Honorable A. Robinson, a Bill to amend the Law relating to Contracts or Agreements by way of Gaming or Wagering was read a first time, ordered to be printed and to be read a second time on Tuesday next.

11. MARRIAGE BILL.—On the motion of the Honorable A. Robinson, a Bill to amend the Marriage Acts was read a first time, ordered to be printed and to be read a second time on Tuesday next.

12. INDUSTRIAL AND PROVIDENT SOCIETIES BILL.—On the motion of the Honorable A. Robinson, a Bill relating to Industrial and Provident Societies, was read a first time, ordered to be printed and to be read a second time on Tuesday next.

13. LIBEL LAW AMENDMENT BILL.—On the motion of the Honorable A. Robinson, a Bill to amend the Law of Libel with respect to Reports of Proceedings of Meetings of Municipal Councils was read a first time, ordered to be printed and to be read a second time on Tuesday next.

14. POLICE OFFENCES BILL.—On the motion of the Honorable A. Robinson, a Bill to further amend the *Police Offences Act* 1915 was read a first time, ordered to be printed and to be read a second time on Tuesday next.

15. ARCHITECTS REGISTRATION BILL.—On the motion of the Honorable F. G. Clarke, a Bill to provide for the Registration of Architects was read a first time, ordered to be printed and to be read a second time on Tuesday next.

16. APPRECIATION OF SERVICES OF RETIRING MEMBERS.—The Honorable A. Robinson moved, by leave, That this House desires to place on record its high appreciation of the great services rendered to the State of Victoria and to this House by the Honorables Edward Jolley Crooke, William Lawrence Baillieu, and William Addison Adamson, who retired on the 31st May, 1922.

And other honorable members having addressed the House—

The President said—

I concur with every word the Attorney-General has uttered with regard to the services of these three gentlemen. I have no doubt that all honorable members of this House feel the loss we have suffered through the retirement of Mr. Adamson, Mr. Baillieu, and Mr. Crooke. They were men of experience and of undoubted integrity. They at all times frankly and freely expressed their views, no matter what the subject under consideration might be. I feel that it will be a long time before the Council will recover from the loss of these gentlemen. Their services were invaluable to us.

The question was then put and unanimously resolved in the affirmative.

17. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—

Discharged Soldiers Settlement Act 1917—Report under section 25, sub-section (5), of the decision of the Minister to acquire the following estate:—Werribee Park, Werribee.

Factories and Shops Act 1915—Report of the Chief Inspector of Factories and Shops for the year 1921.

Land Act 1915—Particulars of leases of swamp or reclaimed land under section 110 (5 papers).

18. CONSOLIDATED REVENUE BILL (No. 1).—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

19. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 and 2 be postponed until later this day.

20. LEAVE OF ABSENCE.—The Honorable A. Robinson moved, That leave of absence be granted to the Honorable Thomas Henry Payne for the remainder of the Session on account of urgent private business.

Question—put and resolved in the affirmative.

21. PARLIAMENTARY ELECTIONS (WOMEN CANDIDATES) BILL.—On the motion of the Honorable J. H. Disney, a Bill to enable Women to become Candidates at Parliamentary Elections was read a first time, ordered to be printed and to be read a second time on Tuesday next.

22. SCAFFOLDING INSPECTION BILL.—On the motion of the Honorable D. L. McNamara, a Bill to provide for the Inspection of Scaffolding and for other purposes was read a first time, ordered to be printed and to be read a second time on Tuesday next.

23. COMPULSORY VOTING BILL.—On the motion of the Honorable R. Williams, a Bill to provide for Compulsory Voting at Parliamentary Elections was read a first time, ordered to be printed and to be read a second time on Tuesday next.

24. ELECTORAL BILL.—On the motion of the Honorable J. P. Jones, a Bill to further amend *The Constitution Act Amendment Act* 1915 was read a first time, ordered to be printed and to be read a second time on Tuesday next.

25. LOCAL GOVERNMENT BILL.—On the motion of the Honorable W. J. Beckett, a Bill to further amend the *Local Government Act* 1915 was read a first time, ordered to be printed and to be read a second time on Tuesday next.

26. MUNICIPAL ELECTIONS (PROPORTIONAL VOTING) BILL.—On the motion of the Honorable D. L. McNamara, a Bill to provide for Optional Proportional Voting at Municipal Elections was read a a first time, ordered to be printed and to be read a second time on Tuesday next.

27. MELBOURNE AND GEELONG CORPORATIONS BILL.—On the motion of the Honorable E. L. Kiernan, a Bill to amend the Law relating to the Corporations of the City of Melbourne and the City of Geelong was read a first time, ordered to be printed and to be read a second time on Tuesday next.

28. CONSTITUTION ACT AMENDMENT ACT 1915 AMENDMENT BILL.—On the motion of the Honorable D. L. McNamara, a Bill to further amend *The Constitution Act Amendment Act* 1915 was read a first time, ordered to be printed and to be read a second time on Tuesday next.

29. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 and 2 be postponed until Tuesday next.

30. ADJOURNMENT.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday next.

Question—put and resolved in the affirmative.

And then the Council, at eighteen minutes past eight o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 3.

TUESDAY, 18TH JULY, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Robinson presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bill, viz. :—

   Consolidated Revenue Bill (*No.* 1).

3. PAPERS.—The Honorable A. Robinson presented, by command of His Excellency the Governor—

   Public Service Commissioner—Report for the year 1921.

   Ordered to lie on the Table.

   The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

   Discharged Soldiers Settlement Act 1917—Alterations to the Regulations.
   Explosives Act 1915—Report of the Chief Inspector of Explosives on the working of the Act during the year 1921.
   Land Act 1915—
   Addition to the Regulations.
   Alteration to the Regulations.
   Additions to and Alterations in Regulations.
   Lands Compensation Act 1915—Return under section 37 showing the amount of money paid by the State Electricity Commission for land resumed at Brunswick, Dandenong, Morwell, Yarraville, and other places.
   Mines Act 1915—Regulations relating to Mining Leases, Tailings Licences, and Water Right Licences.
   Public Service Act 1915—Regulations—
   Classification of General Division, Chapter VI.—Department of Chief Secretary (2 papers).
   Professional Division, Chapter II.—Department of Chief Secretary.
   Travelling Allowances, Chapter IX.—
   Department of Chief Secretary.
   Department of Lands and Survey.
   Department of Public Works.

4. ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the resumption of the debate on the question, That the Council agree with the Committee in the Address in Reply to the Speech of His Excellency the Governor, having been read—

   Debate resumed.
   The Honorable J. P. Jones moved, That the debate be now adjourned.
   Question—That the debate be now adjourned—put and resolved in the affirmative.
   Ordered—That the debate be adjourned until to-morrow.

5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 8, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at thirty-six minutes past eight o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

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No. 4.

WEDNESDAY, 19TH JULY, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Four hundred and sixty-seven thousand eight hundred and ninety-five pounds to the service of the year One thousand nine hundred and twenty-one and One thousand nine hundred and twenty-two*" and desiring the concurrence of the Council therein.

3. CONSOLIDATED REVENUE BILL (No. 2).—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

4. ELECTRIFICATION OF THE SUBURBAN RAILWAYS.—The Honorable R. H. S. ABBOTT moved, That there be laid before this House a Return showing—

   (*a*) The present cost of producing electric current per unit at Newport.
   (*b*) Whether Wonthaggi, Newcastle, or brown coal is used in the production of the current.
   (*c*) The price per ton allowed for coal in the costing.
   (*d*) The price at which Mr. Merz said current would be produced at Newport under his scheme.
   (*e*) The savings, if any, effected in running costs of the electrified railways as compared with former steam costs.
   (*f*) The savings which Mr. Merz stated in his scheme would be effected.
   (*g*) Whether the full productive power of the electric generating plant at Newport is being utilized for the electrified railways; if not, what current is being sold, and to whom and at what rate is it being sold.
   (*h*) What benefit, if any, do the Commissioners anticipate from the Morwell scheme.
   (*i*) What value, if any, do the Commissioners put on brown coal for use on locomotives or at Newport Power Station.
   (*j*) What is the present annual estimated loss on the metropolitan railway system.
   (*k*) What objection have the Commissioners to furnishing separate balance-sheets of the metropolitan and country railway systems.

   Question—put and resolved in the affirmative.

5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day, General Business, be postponed until after the Orders of the Day, Government Business.

6. CONSOLIDATED REVENUE BILL.—(No. 2).—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

   House in Committee.

   The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

   Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

7. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 8 inclusive, and the Orders of the Day, General Business, be postponed until Tuesday next.

8. ADJOURNMENT.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday next.

   Debate ensued.

   Question—put and resolved in the affirmative.

And then the Council, at sixteen minutes past nine o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 5.

TUESDAY, 25TH JULY, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Robinson presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bill, viz. :—

   Consolidated Revenue Bill (*No.* 2).

3. ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the resumption of the debate on the question, That the Council agree with the Committee in the Address in Reply to the Speech of His Excellency the Governor, having been read—

   Debate resumed.

   The Honorable Dr. J. R. Harris moved, That the debate be now adjourned.

   Question—That the debate be now adjourned—put and resolved in the affirmative.

   Ordered—That the debate be adjourned until Tuesday next.

4. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 8 inclusive, and the Orders of the Day, General Business, be postponed until Tuesday next.

5. ADJOURNMENT.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday next.

   Question—put and resolved in the affirmative.

And then the Council, at thirty-one minutes past nine o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

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VICTORIA

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 6.

TUESDAY, 1st AUGUST, 1922.

1. The President took the Chair and read the Prayer.

2. Postponement of Orders of the Day.—Ordered—That the consideration of the Orders of the Day be postponed until Tuesday next.

3. Adjournment.—The Honorable J. K. Merritt moved, by leave, That the Council at its rising adjourn until Tuesday next.
Question—put and resolved in the affirmative.

And then the Council, at fifty-one minutes past four o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

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VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 7.

TUESDAY, 8TH AUGUST, 1922.

1. The President took the Chair and read the Prayer.

2. SUBSTITUTED DECLARATION OF MEMBER.—The Honorable F. W. Brawn delivered to the Clerk the following substituted Declaration, viz.:—

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, FREDERICK WILLIAM BRAWN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Ballarat, and are known as 213 Mill-street.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Ballarat are rated in the rate-book of the said municipality upon a yearly value of £50.

"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."

"F. BRAWN."

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have appointed a Committee to join with the Committee of the Council to deal with anomalies in the law and make recommendations as to statutory amendments, such Committee consisting of Mr. Bailey, Mr. Eggleston, Mr. Lawson, Mr. Prendergast, Mr. Snowball, and Mr. Wettenhall, with power to send for persons, papers, and records, and to sit on days on which the House does not meet; five to be the quorum.

4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to sanction the Issue and Application of certain Sums of Money available under Loan Acts for Railways and for other purposes*" and desiring the concurrence of the Council therein.

5. RAILWAY LOAN APPLICATION BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

6. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to Licences of Farm Produce Agents*" and desiring the concurrence of the Council therein.

7. FARM PRODUCE AGENTS BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.

8. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

County Court Act 1915—Rules of Court.
Education Act 1915—Council of Public Education—Regulations (2 papers).
Fisheries Acts—Notices of Intention to issue Proclamations—
Re cleaning &c. of Murray Cod and Golden Perch.
Regarding prohibition *re* use of long lines, Port Phillip Bay.
Regarding restrictions on fishing in waters on Mount Buffalo.
To allow netting in Lakes Hattah, Bally, Brockie, and Crammon.
To permit the use of bait nets in portion of the Glenelg River.
To prohibit all fishing in or the taking of fish from portion of the Gisborne Creek until 31st December, 1923.
To prohibit netting in Jones Bay in the Gippsland Lakes within a quarter of a mile of the channel joining the Bay and the Mitchell River, near Eagle Point.
Geelong Harbor Trust—Accounts and Balance-sheet for the year 1921.
Land Act 1915—Certificate relating to the Compulsory Resumption of Land as a site for the Pigick State School.
Melbourne Harbor Trust Commissioners—Statement of Accounts for the year 1921.
Motor Car Act 1915—Regulation—Limitation of Speed of Motor Cars.
Neglected Children's Act 1915—Alteration in Regulations.
Public Service Act 1915—Regulations—Professional Division, Chapter II.—
Department of Lands and Survey.
Department of Public Instruction.

9. ADJOURNMENT.—Motion under Standing Order No. 53.—The Honorable E. L. Kiernan moved, That the Council do now adjourn, and said he proposed to speak on the subject of the appointment of Major Conder as Governor of the Pentridge Penal Establishment, the administration of that establishment, the recent dismissal of two warders, and the treatment of prisoners and officers generally at Pentridge, and six members having risen in their places and required the motion to be proposed, the question was put and, after debate, negatived.

10. ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the resumption of the debate on the question, That the Council agree with the Committee in the Address in Reply to the Speech of His Excellency the Governor, having been read—
Debate resumed.
Question—put and resolved in the affirmative.
The Honorable A. Robinson moved, That the Address be presented to His Excellency the Governor by the President and such members of the Council as may wish to accompany him.
Question—put and resolved in the affirmative.

11. RAILWAY LOAN APPLICATION BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

12. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 8 inclusive, and the Orders of the Day, General Business, be postponed until Tuesday next.

13. ADJOURNMENT.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday next.
Debate ensued.
Question—put and resolved in the affirmative.

And then the Council, at thirty-two minutes past ten o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 8.

TUESDAY, 15TH AUGUST, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Robinson presented a Message from His Excellency the Governor, informing the Council that he had given the Royal Assent to the undermentioned Bill, viz.:—

   Railway Loan Application Bill.

3. PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The President reported that, on Wednesday last, accompanied by honorable members, he had waited upon His Excellency the Governor and had presented to him the Address of the Legislative Council, adopted on the 8th instant, in reply to His Excellency's Opening Speech, and that His Excellency had been pleased to make the following reply:—

   MR. PRESIDENT AND HONORABLE MEMBERS OF THE LEGISLATIVE COUNCIL:

   In the name and on behalf of His Majesty the King I thank you for your expressions of loyalty to our Most Gracious Sovereign contained in the Address which you have just presented to me.

   I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this State.

4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Treasury Bonds Act* 1915' *and the 'Treasury Bonds Act* 1915 (No. 2)'" and desiring the concurrence of the Council therein.

5. TREASURY BONDS BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.

6. LIBRARIES BILL.—On the motion of the Honorable A. Robinson, a Bill to amend Part II. of the *Libraries Act* 1915 was read a first time, ordered to be printed and to be read a second time on Tuesday next.

7. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—

   Bank Liabilities and Assets—Summary of Sworn Returns for the quarter ended 30th June, 1922.

   Public Service Acts—

   Copy of Papers in connexion with the promotion of H. A. Pitt from the First Class to Class IA, Department of Treasurer.

   Regulations—

   Classification of General Division, Chapter VI.—Department of Lands and Survey.
   Professional Division, Chapter II.—Department of Public Health.

8. Poisons Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

9. Gaming Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

10. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to Fruit Shops in the City of Melbourne*" and desiring the concurrence of the Council therein.

11. Factories and Shops (Fruit Shops) Bill.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.

12. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 8 inclusive, and the Orders of the Day, General Business, be postponed until Tuesday next.

13. Adjournment.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday next.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at thirty-four minutes past nine o'clock, adjourned until Tuesday next.

R W. V. McCALL,
Clerk of the Legislative Council.

By Authority: Albert J. Mullett, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 9.

TUESDAY, 22ND AUGUST, 1922.

1. The President took the Chair and read the Prayer.

2. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—

   Land Act 1915—Particulars of leases of swamp or reclaimed land under section 110.
   Legal Profession Practice Act 1915—Council of Legal Education—Rules amended.

3. TREASURY BONDS BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

   House in Committee.

   The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

   Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

4. FACTORIES AND SHOPS (FRUIT SHOPS) BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable F. G. Clarke moved, That this Bill be now read a second time.

   Debate ensued.

   Question—put.

   The Council divided.

Ayes, 19.	Noes, 4.
The Hon. R. H. S. Abbott, E. G. Bath, T. Beggs, F. W. Brawn, A. E. Chandler, F. G. Clarke, H. I. Cohen, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, H. Keck, W. Kendell, M. McGregor, J. K. Merritt, A. Robinson, H. H. Smith, J. Sternberg.	The Hon. W. J. Beckett, J. P. Jones.
Tellers.	*Tellers.*
The Hon. W. Angliss, W. P. Crockett.	The Hon. E. L. Kiernan, D. L. McNamara.

   And so it was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

   House in Committee.

   The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.

   Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 9 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at fifty-two minutes past nine o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

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No. 10.

WEDNESDAY, 23RD AUGUST, 1922.

1. The President took the Chair and read the Prayer.

2. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day, General Business, be postponed until after Order of the Day, Government Business, No. 1.

3. FACTORIES AND SHOPS (FRUIT SHOPS) BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

4. CAPITAL PUNISHMENT ABOLITION BILL.—On the motion of the Honorable E. L. Kiernan, a Bill to provide for the Abolition of Capital Punishment was read a first time, ordered to be printed and to be read a second time on Tuesday next.

5. LOCAL GOVERNMENT BILL (No. 2).—On the motion of the Honorable J. H. Disney, a Bill to amend the Local Government Acts was read a first time, ordered to be printed and to be read a second time on Tuesday next.

6. ALDERMEN ABOLITION BILL.—On the motion of the Honorable E. L. Kiernan, a Bill to amend the Law relating to the Corporations of the City of Melbourne and the City of Geelong by abolishing the Office of Alderman and for other purposes was read a first time, ordered to be printed and to be read a second time on Tuesday next.

7. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day, General Business, and Orders of the Day, Government Business, Nos. 2 to 8 inclusive, be postponed until Tuesday next.

8. ADJOURNMENT.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday next.
Question—put and resolved in the affirmative.

And then the Council, at twenty minutes past six o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 11.

TUESDAY, 29TH AUGUST, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE LIEUTENANT-GOVERNOR.—The Honorable A. Robinson presented a Message from His Excellency the Lieutenant-Governor as Deputy for the Governor informing the Council that he had given the Royal Assent to the undermentioned Bills, viz.:—

   Treasury Bonds Bill.
   Factories and Shops (Fruit Shops) Bill.
   Poisons Bill.

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to revoke the Permanent Reservation of certain Land in the Parish of Elliminyt permanently reserved from Sale as a Site for Watering Purposes and to provide for the granting of the said Land to the President Councillors and Ratepayers of the Shire of Colac as a Site for a Pound and for other Municipal Purposes*" and desiring the concurrence of the Council therein.

4. ELLIMINYT LAND BILL.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the *Poisons Bill* without amendment.

6. RATING ON UNIMPROVED VALUES BILL.—On the motion of the Honorable F. G. Clarke, a Bill to consolidate and amend the Law relating to the Optional Rating by Municipalities on the basis of the Unimproved Capital Values of Rateable Property was read a first time, ordered to be printed and to be read a second time to-morrow.

7. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:—

   Country Roads Board—Report for the year 1920-21.

8. MARRIAGE BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
   House in Committee.
   The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.
   Resolved—That the Council will, later this day, again resolve itself into the said Committee.

9. INDUSTRIAL AND PROVIDENT SOCIETIES BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
   House in Committee.
   The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.
   Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.

10. LIBEL LAW AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable A. Robinson moved, That this Bill be now read a second time.
Debate ensued.
Question—put.
The Council divided.

Ayes, 13.	Noes, 13.
The Hon. A. Bell,	The Hon. W. J. Beckett,
F. G. Clarke,	T. Beggs,
W. L. R. Clarke,	H. I. Cohen,
W. P. Crockett,	J. H. Disney,
W. H. Edgar,	J. P. Jones,
G. L. Goudie,	W. Kendell,
Dr. J. R. Harris,	E. L. Kiernan,
M. McGregor,	H. H. Smith,
J. K. Merritt,	J. Sternberg,
H. F. Richardson,	W. Tyner,
A. Robinson.	R. Williams.
Tellers.	*Tellers.*
The Hon. R. H. S. Abbott,	The Hon. W. Angliss,
F. W. Brawn.	D. L. McNamara.

The Tellers having declared the numbers for the "Ayes" and the "Noes" to be respectively thirteen, or equal, the President said—

"The numbers being equal, it becomes my duty to give a casting vote and, in accordance with the usual parliamentary practice, I shall vote with the 'Ayes' in order to afford an opportunity for further consideration."

And so it was resolved in the affirmative—Bill read a second time.
The Honorable A. Robinson moved, That the Bill be committed to a Committee of the whole on Tuesday next.
Debate ensued.
Question—put and resolved in the affirmative.

11. ARCHITECTS REGISTRATION BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again,
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

12. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 5 to 7 inclusive, and *Marriage Bill—To be further considered in Committee*, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at thirty-three minutes past nine o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

No. 12.

WEDNESDAY, 30TH AUGUST, 1922.

1. The President took the Chair and read the Prayer.

2. TAIT CARS ON COUNTRY RAILWAY LINES.—The Honorable H. F. Richardson moved, That in the opinion of this House Tait cars are unsuitable for use on long distance railway lines, and that the Railways Commissioners be asked to discontinue using same on all country lines.
Debate ensued.
Question—put.

The Council divided.

Ayes, 13.	Noes, 15.
The Hon. R. H. S. Abbott,	The Hon. W. Angliss,
A. Bell,	W. J. Beckett,
F. W. Brawn,	T. Beggs,
W. L. R. Clarke,	F. G. Clarke,
W. H. Edgar,	H. I. Cohen,
G. L. Goudie,	J. H. Disney,
Dr. J. R. Harris,	J. P. Jones,
M. McGregor,	W. Kendell,
H. F. Richardson,	E. L. Kiernan,
J. Sternberg,	D. L. McNamara,
E. J. White.	J. K. Merritt,
	A. Robinson,
	W. Tyner.
Tellers.	*Tellers.*
The Hon. W. P. Crockett,	The Hon. H. H. Smith,
H. Keck.	R. Williams.

And so it passed in the negative.

3. Public Service Appointments.—The Honorable W. L. R. Clarke moved, That in the opinion of this House no increase should be made in the number of permanent officers in the public service during the current financial year with the exception of the Department of Public Instruction and returned soldiers at present temporarily employed in the public service.

Debate ensued.

The Honorable W. Kendell moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

4. Reimbursement of Expenses of Members of the Legislative Council.—The Honorable W. Kendell moved, That in the opinion of this House the time has arrived when the Government should make the necessary provision for reimbursing Members of the Legislative Council their expenses in relation to their attendance in Parliament, the amount not to exceed £200 per annum.

Debate ensued.

Question—put.

The Council divided.

Ayes, 18.	Noes, 8.
The Hon. R. H. S. Abbott,	The Hon. T. Beggs,
W. J. Beckett,	F. G. Clarke,
A. Bell,	H. I. Cohen,
W. P. Crockett,	J. K. Merritt,
J. H. Disney,	A. Robinson,
G. L. Goudie,	H. H. Smith.
Dr. J. R. Harris,	
J. P. Jones,	*Tellers.*
H. Keck,	The Hon. W. Angliss,
M. McGregor,	W. L. R. Clarke.
D. L. McNamara,	
H. F. Richardson,	
J. Sternberg,	
W. Tyner,	
E. J. White,	
R. Williams.	
Tellers.	
The Hon. W. Kendell,	
E. L. Kiernan.	

And so it was resolved in the affirmative.

Ordered—That a Message be sent to the Assembly acquainting them that the Council have agreed to the foregoing resolution and desiring their concurrence therein.

5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day be postponed until Tuesday next.

6. ADJOURNMENT.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday next.
Question—put and resolved in the affirmative.

And then the Council, at ten o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 13.

TUESDAY, 5TH SEPTEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to Vermin and Noxious Weeds*" and desiring the concurrence of the Council therein.

3. VERMIN AND NOXIOUS WEEDS BILL.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to the Brunswick Mechanics' Institute and Free Library Incorporated*" and desiring the concurrence of the Council therein.

5. BRUNSWICK MECHANICS' INSTITUTE BILL.—On the motion of the Honorable J. K. Merritt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

6. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Permanent Reservation as a Site for a Public Park and Recreation Grounds (to serve as a Memorial of the Soldiers who took part in the recent War) of certain Land in the Parish of Marnoo to be transferred to the Crown and for the Sale of certain Crown Land in the said Parish temporarily reserved as a Site for Public Recreation and for the Application of the Proceeds of such Sale to the Improvement of the first-mentioned Site*" and desiring the concurrence of the Council therein.

7. MARNOO LAND BILL.—On the motion of the Honorable J. K. Merritt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

8. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

   Constitution Statute—Statement of Expenditure under Schedule D to Act 18 and 19 Vict., Cap. 55, and Act No. 3118, during the year 1921-22.
   Income Tax Acts—Regulations—Schedules A, B, and C.
   Railways—Report of the Victorian Railways Commissioners for the year 1921-22.

9. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 1 be postponed until after No. 2.

10. ARCHITECTS REGISTRATION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

11. MARRIAGE BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

12. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 9 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at forty-eight minutes past nine o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

No. 14.

WEDNESDAY, 6th SEPTEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. Parliamentary Elections (Women Candidates) Bill.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. H. Disney moved, That this Bill be now read a second time and, debate arising thereupon, it was ordered, on the motion of the Honorable W. J. Beckett, that the debate be adjourned until Tuesday next.

3. Dismissal of Penal Warders.—The Honorable E. L. Kiernan moved, That there be laid before this House all the papers relating to the dismissal of Penal Warders Henderson and O'Shea, and a copy of the Minutes of Evidence taken by the Board of Inquiry.

Debate ensued.
Motion, by leave, withdrawn.

4. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, General Business, Nos. 2 to 4 inclusive, be postponed until after No. 5.

5. Local Government Bill.—The Order of the Day for the second reading of this Bill having been read, the Honorable W. J. Beckett moved, That this Bill be now read a second time.

Debate ensued.
Question—put.
The Council divided.

Ayes, 7.	Noes, 14.
The Hon. W. J. Beckett,	The Hon. E. G. Bath,
J. H. Disney,	T. Beggs,
J. P. Jones,	H. I. Cohen,
E. L. Kiernan,	W. P. Crockett,
R. Williams.	W. H. Edgar,
	Dr. J. R. Harris,
Tellers.	H. Keck,
The Hon. A. E. Chandler,	W. Kendell,
D. L. McNamara.	J. K. Merritt,
	H. F. Richardson,
	A. Robinson,
	H. H. Smith.
	Tellers.
	The Hon. W. L. R. Clarke,
	W. Tyner.

And so it passed in the negative.

6. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, General Business, Nos. 2 to 4 and 6 to 12 inclusive, and the Orders of the Day, Government Business, be postponed until Tuesday next.

7. Adjournment.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday next.
Question—put and resolved in the affirmative.
The Honorable A. Robinson moved, That the House do now adjourn.
Debate ensued.
Question—put and resolved in the affirmative.

And then the Council, at fifty-seven minutes past nine o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: Albert J. Mullett, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 15.

TUESDAY, 12TH SEPTEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Two million two hundred and forty-six thousand one hundred and seventy-four pounds to the service of the year One thousand nine hundred and twenty-two and One thousand nine hundred and twenty-three*" and desiring the concurrence of the Council therein.

3. CONSOLIDATED REVENUE BILL (No. 3).—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

4. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—

   Marine Act 1915—Amendment of "The Passenger (Sailing and Motor) Boat Regulations 1915."

   Motor Car Act 1915—Amendment of Regulations.

   Public Service Act 1915—Regulations—Travelling Allowances, Chapter IX.—Department of Public Instruction.

5. CONSOLIDATED REVENUE BILL (No. 3).—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

   House in Committee.

   The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

   Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 to 11 inclusive, and the Orders of the Day, General Business, be postponed until Tuesday next.

7. ADJOURNMENT.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday next.

   Question—put and resolved in the affirmative.

   The Honorable A. Robinson moved, That the House do now adjourn.

   Debate ensued.

   Question—put and resolved in the affirmative.

And then the Council, at twenty-seven minutes past ten o'clock, adjourned until Tuesday next.

R. W. V. McCALL,

Clerk of the Legislative Council.

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.

6957. (275 copies.)

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 16.

TUESDAY, 19TH SEPTEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Robinson presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bill, viz. :—

   Consolidated Revenue Bill (*No.* 3).

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Wyndham Race-course Act* 1912'" and desiring the concurrence of the Council therein.

4. WYNDHAM RACE-COURSE BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

5. PAPER.—The Honorable A. Robinson presented—

   Electrification of the Suburban Railways—Cost of producing electric current, use of brown coal, &c.—Return to an Order of the Legislative Council dated 19th July, 1922.

   Ordered to lie on the Table.

6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day, Government Business, be postponed until later this day.

7. RULING BY MR. PRESIDENT.—The Honorable E. L. Kiernan moved, That this House disagrees with the ruling of the Honorable the President on Wednesday, the 6th September, in closing the debate on the question of the production of the papers relating to the dismissal of two Penal warders, and thereby refusing to the mover of a substantive motion the right of reply.

   Debate ensued.

   The Honorable H. I. Cohen moved as an amendment, That all the words after the word "House" be omitted with the view of inserting in lieu thereof the following words: "having had the assurance of the Honorable the Attorney-General that the papers asked for by the motion of the Honorable E. L. Kiernan on the 6th September last were of a confidential nature, and that their production would be against the public interest and a departure from constitutional usage and practice, approves of the action of the Honorable the President in accepting such assurance and in giving effect to the sense of the House by closing the debate on such motion".

   Debate ensued.

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

   The Council divided.

Ayes, 7.	Noes, 18.
The Hon. W. J. Beckett,	The Hon. W. Angliss,
J. H. Disney,	E. G. Bath,
J. P. Jones,	T. Beggs,
E. L. Kiernan,	F. G. Clarke,
D. L. McNamara.	W. L. R. Clarke,
	H. I. Cohen,
Tellers.	W. H. Edgar,
The Hon. R. H. S. Abbott,	Dr. J. R. Harris,
R. Williams.	W. Kendell,
	M. McGregor,
	J. K. Merritt,
	H. F. Richardson,
	A. Robinson,
	H. H. Smith,
	W. Tyner,
	E. J. White.
	Tellers.
	The Hon. A. Bell,
	A. E. Chandler.

And so it passed in the negative.

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

The Council divided.

Ayes, 19.	Noes, 7.
The Hon. W. Angliss,	The Hon. R. H. S. Abbott,
E. G. Bath,	W. J. Beckett,
T. Beggs,	J. P. Jones,
A. Bell,	E. L. Kiernan,
F. W. Brawn,	R. Williams.
A. E. Chandler,	*Tellers.*
F. G. Clarke,	The Hon. J. H. Disney,
W. L. R. Clarke,	D. L. McNamara.
H. I. Cohen,	
W. H. Edgar,	
W. Kendell,	
M. McGregor,	
J. K. Merritt,	
H. F. Richardson,	
A. Robinson,	
H. H. Smith,	
W. Tyner.	
Tellers.	
The Hon. Dr. J. R. Harris,	
E. J. White.	

And so it was resolved in the affirmative.

Question—That this House, having had the assurance of the Honorable the Attorney-General that the papers asked for by the motion of the Honorable E. L. Kiernan on the 6th September last were of a confidential nature, and that their production would be against the public interest and a departure from constitutional usage and practice, approves of the action of the Honorable the President in accepting such assurance and in giving effect to the sense of the House by closing the debate on such motion—after debate, put and resolved in the affirmative.

8. Libel Law Amendment Bill.—This Bill was, according to Order committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had agreed to the Bill with an amendment.

Ordered—That the report be taken into consideration to-morrow.

9. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 11 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at fifty minutes past nine o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

No. 17.

WEDNESDAY, 20th SEPTEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. Paper.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk :—

Discharged Soldiers Settlement Act 1917—Report under section 25, sub-section 5, of the decision of the Minister to acquire the following estate :—Riverside, near Koondrook.

3. Postponement of Orders of the Day.—Ordered—That the consideration of the Orders of the Day, General Business, Nos. 1 to 4 inclusive, be postponed until after No. 5.

4. Municipal Elections (Proportional Voting) Bill.—The Order of the Day for the second reading of this Bill having been read, the Honorable D. L. McNamara moved, That this Bill be now read a second time.

Debate ensued.

Question—put.

The Council divided.

Ayes, 7.	Noes, 14.
The Hon. A. Bell,	The Hon. R. H. S. Abbott,
H. I. Cohen,	T. Beggs,
J. P. Jones,	A. E. Chandler,
E. L. Kiernan,	F. G. Clarke,
D. L. McNamara.	W. L. R. Clarke,
	W. H. Edgar,
Tellers.	Dr. J. R. Harris,
The Hon. W. J. Beckett,	M. McGregor,
J. H. Disney.	J. K. Merritt,
	A. Robinson,
	H. H. Smith,
	W. Tyner.
	Tellers.
	The Hon. E. G. Bath,
	H. F. Richardson.

And so it passed in the negative.

5. Postponement of Order of the Day.—Ordered—That the consideration of Order of the Day, General Business, No. 1 be postponed until after No. 2.

6. Scaffolding Inspection Bill.—The Order of the Day for the second reading of this Bill having been read, the Honorable D. L. McNamara moved, That this Bill be now read a second time and, debate arising thereupon, it was ordered, on the motion of the Honorable H. H. Smith, that the debate be adjourned until Tuesday next.

7. Parliamentary Elections (Women Candidates) Bill.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time having been read, the debate was resumed and, on the motion of the Honorable W. J. Beckett, further adjourned until Tuesday next.

8. Postponement of Orders of the Day.—

Ordered, after debate—That the consideration of Orders of the Day, General Business, Nos. 3, 4, and 6 to 12 inclusive, be postponed until after the Orders of the Day, Government Business.

Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1, 2, and 5, be postponed until after No. 8.

9. Farm Produce Agents Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

10. Elliminyt Land Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

11. Vermin and Noxious Weeds Bill.—The Order of the Day for the second reading of this Bill having been read, the Honorable F. G. Clarke moved, That this Bill be now read a second time and, debate arising thereupon, it was ordered, on the motion of the Honorable H. I. Cohen, that the debate be adjourned until Tuesday next.

12. Brunswick Mechanics' Institute Bill.—The Honorable J. K. Merritt moved, by leave, That all the Standing Orders relating to Private Bills be suspended in relation to this Bill, and that the Bill be treated as a Public Bill.

Question—put and resolved in the affirmative.

The Honorable J. K. Merritt moved, That this Bill be now read a second time.

Debate ensued.

Question—put and resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar, having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

13. Postponement of Orders of the Day.—Ordered—That the consideration of the Orders of the Day, Government Business, Nos. 1, 2, 5, and 8 to 11 inclusive, and Orders of the Day, General Business, Nos. 3, 4, and 6 to 12 inclusive, be postponed until Tuesday next.

14. Adjournment.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday next.

Question—put and resolved in the affirmative.

The Honorable A. Robinson moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at twenty-six minutes past ten o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: Albert J. Mullett, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 18.

TUESDAY, 26TH SEPTEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

   Discharged Soldiers Settlement Act 1917—Report under section 25, sub-section 5, of the decision of the Minister to acquire the following estate :—Burnewang Park, near Elmore.

   Melbourne and Metropolitan Tramways Board—Report and Statement of Accounts for the year 1921-22.

3. LIBEL LAW AMENDMENT BILL.—The Order of the Day for the consideration of the Report from the Committee of the whole having been read—

   Ordered—That the said Order be discharged.

   On the motion of the Honorable A. Robinson, the Bill was recommitted to a Committee of the whole in respect of a proposed new clause.

   House in Committee.

   The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without further amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

   Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

4. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 8 inclusive, be postponed until after Order of the Day, General Business, No. 1.

5. PARLIAMENTARY ELECTIONS (WOMEN CANDIDATES) BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.—Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

   House in Committee.

   The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

   Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

6. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 2 be postponed until after No. 3.

7. VERMIN AND NOXIOUS WEEDS BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read, the debate was resumed and, on the motion of the Honorable R. H. S. Abbott, further adjourned until Tuesday next.

8. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 and 4 to 8 inclusive and Orders of the Day, General Business, Nos 2 to 11 inclusive be postponed until Tuesday next.

9. ADJOURNMENT.—The Honorable F. G. Clarke moved, by leave, That the Council at its rising adjourn until Tuesday next.

   Debate ensued.

   Question—put and resolved in the affirmative.

And then the Council, at five minutes past ten o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.

6957. (275 copies.)

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 19.

TUESDAY, 3RD OCTOBER, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Robinson presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bills, viz. :—

   Farm Produce Agents Bill.
   Elliminyt Land Bill.
   Brunswick Mechanics' Institute Bill.

3. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

   Neglected Children's Act 1915—Alteration of Regulations.
   Poisons Act 1920—Dangerous Drugs Regulations.

4. MARRIAGE BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

   House in Committee.

   The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

   Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

5. VERMIN AND NOXIOUS WEEDS BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

   House in Committee.

   The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.

   Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

6. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Two hundred thousand pounds to the service of the year One thousand nine hundred and twenty-two and One thousand nine hundred and twenty-three*" and desiring the concurrence of the Council therein.

7. CONSOLIDATED REVENUE BILL (No. 4).—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

8. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 7 inclusive and the Orders of the Day, General Business, be postponed until to-morrow.

9. ADJOURNMENT.—The Honorable A. Robinson moved, That the House do now adjourn.

   Debate ensued.

   Question—put and resolved in the affirmative.

And then the Council at fifty minutes past nine o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

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No. 20.

WEDNESDAY, 4TH OCTOBER, 1922.

1. The President took the Chair and read the Prayer.

2. PAPER.—The Honorable A. Robinson presented, by command of His Excellency the Governor—

State Electricity Commission of Victoria—Reports on Sugarloaf-Rubicon Hydro-electric Scheme and Investigations in Strathbogie District.

Ordered to lie on the Table.

3. SCAFFOLDING INSPECTION BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.

4. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, General Business, Nos. 2 to 10 inclusive, be postponed until after Order of the Day, Government Business, No. 1.

5. CONSOLIDATED REVENUE BILL (No. 4).—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly, with a Message acquainting them that the Council have agreed to the same without amendment.

6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, General Business, Nos. 2 to 10 inclusive, and Orders of the Day, Government Business, Nos. 2 to 7 inclusive, be postponed until Tuesday next.

7. ADJOURNMENT.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday next.

Question—put and resolved in the affirmative.

And then the Council, at fifteen minutes past nine o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 21.

TUESDAY, 10TH OCTOBER, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Robinson presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bill, viz. :—

   Consolidated Revenue Bill (*No.* 4.)

3. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

   Agricultural Education—Statement of Accounts of the Trustees of Agricultural Colleges and the Council of Agricultural Education for the six months ended 30th June, 1922.

   Land Act 1915—

   Addition to the Regulations.
   Amendment of Regulations.

   Melbourne and Metropolitan Board of Works—Statements of Accounts and Balance-sheet, together with Schedule of Contracts, for the year 1921–22.

   River Murray Waters Act 1915—Report of the River Murray Commission for the year 1921–22.

   State Accident Insurance Office—Report, Profit and Loss Account, and Balance-sheet for the year 1921–22.

   State Coal Mines—Annual Report of the General Manager, including the State Coal Mines Balance-sheet and Statement of Accounts duly audited, &c., for the year 1921–22.

4. RATING ON UNIMPROVED VALUES BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable F. G. Clarke moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. F. Richardson, that the debate be adjourned until Tuesday next.

5. VERMIN AND NOXIOUS WEEDS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

   House in Committee.

   The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.

   Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 6 inclusive and the Orders of the Day, General Business, be postponed until to-morrow.

7. ADJOURNMENT.—The Honorable A. Robinson moved, That the House do now adjourn.

   Debate ensued.

   Question—put and resolved in the affirmative.

And then the Council at fifteen minutes past ten o'clock, adjourned until to-morrow.

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No. 22.

WEDNESDAY, 11TH OCTOBER, 1922.

1. The President took the Chair and read the Prayer.

2. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:—

   Geelong Harbor Trust—Accounts and Balance-sheet for the year 1921.

3. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, General Business, Nos. 1 to 7 inclusive, be postponed until after No. 8.

4. ALDERMEN ABOLITION BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable E. L. Kiernan moved, That this Bill be now read a second time.
   Debate ensued.
   Question—put.
   The Council divided.

Ayes, 11.	Noes, 9.
The Hon. W. J. Beckett,	The Hon. E. G. Bath,
A. Bell,	F. G. Clarke,
W. P. Crockett,	H. I. Cohen,
G. L. Goudie,	W. H. Edgar,
J. P. Jones,	W. Kendell,
E. L. Kiernan,	J. K. Merritt,
D. L. McNamara,	H. H. Smith.
A. Robinson,	
R. Williams.	*Tellers.*
	The Hon. W. L. R. Clarke,
Tellers.	W. Tyner.
The Hon. J. H. Disney,	
H. F. Richardson.	

   And so it was resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.

   House in Committee.

   The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with an amendment, the House, after debate, ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

   Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, General Business, Nos. 1 to 7 inclusive, 9 and 10, and the Orders of the Day, Government Business, be postponed until Tuesday next.

6. ADJOURNMENT.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday next.
   Question—put and resolved in the affirmative.

And then the Council, at fifty-seven minutes past nine o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.

VICTORIA

LEGISLATIVE COUNCIL

MINUTES OF THE PROCEEDINGS.

No. 23.

TUESDAY, 17TH OCTOBER, 1922.

1. The President took the Chair and read the Prayer.

2. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk :—

   Water Act 1915—Copy of declaration of the Honorable the Minister of Water Supply defining the area that ought to be constituted the Red Cliffs Irrigation and Water Supply District, together with the plan showing the area of such District.

3. RATING ON UNIMPROVED VALUES BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.

   House in Committee.

   The President resumed the Chair ; and the Honorable W. H. Edgar reported that the Committee had agreed to the Bill without amendment.

   Ordered—That the Report be taken into consideration on Tuesday next.

4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled " *An Act to amend the ' Electoral Act* 1920 ' " and desiring the concurrence of the Council therein.

5. ELECTORAL BILL (No. 2).—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, and after debate, was read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

   House in Committee.

   The President resumed the Chair ; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

   Ordered—That the Bill be returned to the Assembly, with a Message acquainting them that the Council have agreed to the same without amendment.

6. VERMIN AND NOXIOUS WEEDS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

   House in Committee.

   The President resumed the Chair ; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.

   Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.

7. MESSAGE FROM THE LEGISLATIVE ASSEMBLY —The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to authorize the raising of Money for Railways and for Irrigation Works and Water Supply Works and for Drainage and Flood Protection Works in Country Districts and for Works under the River Murray Waters Acts* " and desiring the concurrence of the Council therein.

8. VICTORIAN LOAN BILL —On the motion of the Honorable A Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.

9. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled " *An Act to sanction the Issue and Application of certain Sums of Money available under Loan Acts for Irrigation Works Water Supply Works Drainage and Flood Protection Works in Country Districts and for Works under the River Murray Waters Acts and for other purposes* " and desiring the concurrence of the Council therein.

10. WATER SUPPLY LOANS APPLICATION BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.

11. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 6 inclusive and the Orders of the Day, General Business, be postponed until Tuesday next.

12. ADJOURNMENT.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday next.
Question—put and resolved in the affirmative.
The Honorable A. Robinson moved, That the House do now adjourn.
Debate ensued.
Question—put and resolved in the affirmative.

And then the Council, at forty-one minutes past ten o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 24.

TUESDAY, 24TH OCTOBER, 1922.

1. The President took the Chair and read the Prayer.

2. THE LATE HONORABLE WILLIAM KENDELL.—The Honorable A. Robinson moved, by leave, That this House desires to place on record its deep sense of the loss it has sustained through the death of the Honorable William Kendell, one of the Members for the North-Eastern Province. His devoted labours as a Minister of the Crown, a Member of the House of Representatives, a Member of this House, and a Member of the Parliamentary Standing Committee on Railways, and his great services to the primary producers of the State caused him to be regarded by all with respect and affection.

And other honorable members having addressed the House—

The President said—

In putting this motion to the House, I should like to say how very much I respected and admired Mr. Kendell. He was a man of infinite experience in connexion with all country matters, and he had that wonderfully useful faculty, which so few of us have, of seeing the weak and the strong points of a matter as soon as it was submitted to him. When he differed from honorable members, as he sometimes had to do, it was always with courtesy. Sometimes he liked to be a little sarcastic, but he put his remarks in such a way that no one could possibly take offence at anything he said. I am quite certain that all members of this House, no matter what their views on politics may be, thoroughly respected him, and recognised that whatever he said he thoroughly believed in. He was a most lovable character and, as honorable members have mentioned, he had that splendid gift of wit and humour which made him such a wonderfully genial companion. He was a typical Australian gentleman, and this House has certainly sustained a great loss in his death. It is seldom that members of Parliament have such vast experience as he had in almost every phase of life and we may never see his like again.

The question was then put and, honorable members signifying their assent by rising in their places, unanimously resolved in the affirmative.

3. ADJOURNMENT.—The Honorable A. Robinson moved, by leave, That the House, out of respect to the memory of the late Honorable William Kendell, do now adjourn until half-past seven o'clock this day.

Question—put and resolved in the affirmative.

And then the Council at twenty minutes past five o'clock, adjourned until half-past seven o'clock this day.

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4. The President resumed the Chair.

5. PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS.—The Honorable A. Robinson moved, by leave, That the Honorable George Louis Goudie be appointed a member of the Parliamentary Standing Committee on Railways in the place of the Honorable William Kendell, deceased.

Question—put and resolved in the affirmative.

6. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Closer Settlement Act 1918—Report under section 12, sub-section (5), of the decision of the Minister to acquire the following estate :— Leslie Manor, near Camperdown.

Education—Report of the Council of Public Education for the year 1921–22.

Friendly Societies Act 1915 and Trade Unions Act 1915—Report of the Registrar of Friendly Societies for the year 1921.

Marine Act 1915— Amendment of the Regulations for the selection of skilled members.

Poisons Acts—

Proclamation amending Second Schedule to Principal Act.

Proclamation amending Fourth Schedule to Principal Act.

Regulations.

Public Service Act 1915—Regulations—

Appointment of Police Magistrates, Chapter I.

Classification of General Division, Chapter VI.—Department of Treasurer.

Supreme Court Act 1915—Amendment of the Supreme Court Office Fees Regulations.

7. METROPOLITAN TOWN PLANNING COMMISSION BILL.—On the motion of the Honorable F. G. Clarke, a Bill to make provision for a Metropolitan Town Planning Commission was read a first time, ordered to be printed and to be read a second time to-morrow.

8. VICTORIAN LOAN BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

9. WATER SUPPLY LOANS APPLICATION BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

10. RATING ON UNIMPROVED VALUES BILL.—The Order of the Day for the consideration of the Report from the Committee of the whole having been read—

Ordered—That the said Order be discharged.

On the motion of the Honorable F. G. Clarke, the Bill was recommitted to a Committee of the whole in respect of clauses 5, 6, 9, 10, 12, 13, 17, 21 and a proposed new clause.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had agreed to the Bill with amendments.

Ordered—That the Report be taken into consideration to-morrow.

11. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 to 8 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at twenty-one minutes past ten o'clock, adjourned until to-morrow.

No. 25.

WEDNESDAY, 25TH OCTOBER, 1922.

1. The President took the Chair and read the Prayer.

2. HOUSE COMMITTEE.—The Honorable A. Robinson moved, by leave, That the Honorable A. E. Chandler be a member of the House Committee in the place of the Honorable W. Kendell, deceased.

Question—put and resolved in the affirmative.

3. POSTPONEMENT OF ORDER OF THE DAY.—Ordered, after debate—That the consideration of Order of the Day, General Business, No. 1, be postponed until after No. 2.

4. COMPULSORY VOTING BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable R. Williams moved, That this Bill be now read a second time.

Debate ensued.

Question—put.

The Council divided.

Ayes, 6.	Noes, 17.
The Hon. J. H. Disney,	The Hon. A. Bell,
J. P. Jones,	A. E. Chandler,
D. L. McNamara,	F. G. Clarke,
R. Williams.	H. I. Cohen,
	W. P. Crockett,
Tellers.	W. H. Edgar,
The Hon. W. J. Beckett,	G. L. Goudie,
E. L. Kiernan.	Dr. J. R. Harris,
	H. Keck,
	M. McGregor,
	J. K. Merritt,
	H. F. Richardson,
	A. Robinson,
	H. H. Smith,
	J. Sternberg.
	Tellers.
	The Hon. A. A. Austin,
	W. L. R. Clarke.

And so it passed in the negative.

5. Scaffolding Inspection Bill.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had agreed to the Bill with amendments.

On the motion of the Honorable D. L. McNamara, the Bill was recommitted to a Committee of the whole in respect of clauses 1, 2, and 3.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with further amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

6. Postponement of Order of the Day.—Ordered—That the consideration of Order of the Day, General Business, No. 3, be postponed until Tuesday next.

7. Discharge of Orders of the Day.—On the motions of the Honorables E. L. Kiernan and D. L. McNamara respectively, the following Orders of the Day were read and discharged :—

Melbourne and Geelong Corporations Bill—Second reading.

Constitution Act Amendment Act 1915 *Amendment Bill—Second reading.*

Ordered—That the said Bills be withdrawn.

8. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, General Business, Nos. 6 to 9 inclusive, and Order of the Day, Government Business, No. 1, be postponed until Tuesday next.

9. Vermin and Noxious Weeds Bill.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had agreed to the Bill with amendments.

On the motion of the Honorable F. G. Clarke, the Bill was recommitted to a Committee of the whole in respect of clause 5.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with further amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

10. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 7 inclusive, be postponed until Tuesday next.

11. Adjournment.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday next.

Question—put and resolved in the affirmative.

And then the Council, at fifty-three minutes past nine o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: Albert J. Mullett, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 26.

TUESDAY, 31st OCTOBER, 1922.

1. The President took the Chair and read the Prayer.

2. Message from His Excellency the Governor.—The Honorable A. Robinson presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bills, viz. :—

   Electoral Bill (No. 2).
   Victorian Loan Bill.
   Water Supply Loans Application Bill.

3. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to sanction the Issue and Application of certain Sums of Money available under Loan Acts for Railways and for other purposes*" and desiring the concurrence of the Council therein.

4. Railway Loan Application Bill (No. 2).—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

5. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Municipal Rates Recovery Act* 1916'" and desiring the concurrence of the Council therein.

6. Municipal Rates Recovery Bill.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

7. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to the Sale of certain Lands in the City of Brunswick under the 'Municipal Rates Recovery Act* 1916'" and desiring the concurrence of the Council therein.

8. Brunswick Lands Sale Bill.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

9. Papers.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

   Land Act 1915—Certificate relating to the Compulsory Resumption of Land as a site for the Westgarth State School.
   State Rivers and Water Supply Commission—Seventeenth Annual Report, 1921–22.

10. Rating on Unimproved Values Bill.—The Order of the Day for the consideration of the Report from the Committee of the whole having been read—

   Ordered—That the said Order be discharged.

   On the motion of the Honorable F. G. Clarke, the Bill was recommitted to a Committee of the whole in respect of two proposed new clauses.

   House in Committee.

   The President resumed the Chair ; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without further amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

   Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

11. Railway Loan Application Bill (No. 2).—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

12. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 6 inclusive—

Municipal Rates Recovery Bill—Second reading,
Brunswick Lands Sale Bill—Second reading,

and the Orders of the Day, General Business, be postponed until to-morrow.

13. Adjournment.—The Honorable A. Robinson moved, That the House do now adjourn.
Debate ensued.
Question—put and resolved in the affirmative.

And then the Council, at three minutes past ten o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

No. 27.

WEDNESDAY, 1st NOVEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of One million one hundred and seventy thousand nine hundred and forty-nine pounds to the service of the year One thousand nine hundred and twenty-two and One thousand nine hundred and twenty-three*" and desiring the concurrence of the Council therein.

3. Consolidated Revenue Bill (No. 5).—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

4. Postponement of Orders of the Day.—Ordered—That the consideration of the Orders of the Day, General Business, be postponed until after the following Order of the Day, Government Business:—

Consolidated Revenue Bill (No. 5)—Second reading.

5. Consolidated Revenue Bill (No. 5).—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

6. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Law relating to Hospitals and Charities*" and desiring the concurrence of the Council therein.

7. Hospitals and Charities Bill.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday, the 14th instant.

8. Postponement of Orders of the Day.—Ordered—That the consideration of the Orders of the Day, General Business, and Orders of the Day, Government Business, Nos. 1 to 7 inclusive, be postponed until Tuesday, the 14th instant.

9. Adjournment.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday, the 14th instant.
Question—put and resolved in the affirmative.

And then the Council, at fourteen minutes past ten o'clock, adjourned until Tuesday, the 14th instant.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: Albert J. Mullett, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 28.

TUESDAY, 14TH NOVEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Robinson presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bills, viz. :—

   Railway Loan Application Bill (*No.* 2).
   Consolidated Revenue Bill (*No.* 5).

3. RETURN TO WRIT.—The President announced that there had been returned to him the writ issued for the election of a Member to serve for the North-Eastern Province in the place of the Honorable William Kendell, deceased, and by the indorsement on such writ it appeared that Albert Michael Zwar had been elected in pursuance thereof.

4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly returning the *Vermin and Noxious Weeds Bill* and acquainting the Council that they have agreed to some of the amendments made in such Bill by the Council and have agreed to others of the said amendments, with amendments, and desiring the concurrence of the Council therein.
   Ordered—That the foregoing Message be taken into consideration to-morrow.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have concurred in the following resolution, viz.:—
   That in the opinion of this House the time has arrived when the Government should make the necessary provision for reimbursing Members of the Legislative Council their expenses in relation to their attendance in Parliament, the amount not to exceed £200 per annum.

6. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to incorporate the Congregational Union of Victoria*" and desiring the concurrence of the Council therein.

7. CONGREGATIONAL UNION BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

8. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Friendly Societies Acts with respect to Dividing Societies*" and desiring the concurrence of the Council therein.

9. FRIENDLY SOCIETIES BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

10. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Land Surveyors Act* 1915'" and desiring the concurrence of the Council therein.

11. LAND SURVEYORS BILL.—On the motion of the Honorable J. K. Merritt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

12. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Section Ninety of the 'Coal Mines Regulation Act* 1915'" and desiring the concurrence of the Council therein.

13. COAL MINES REGULATION BILL.—On the motion of the Honorable J. K. Merritt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

14. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to ratify and provide for carrying out an Agreement between the States of New South Wales and Victoria respecting the Construction Maintenance and Operation of certain Lines of Railway in the State of New South Wales and the State of Victoria, the Construction and Maintenance of certain Bridges over the River Murray and other Works and for other purposes*" and desiring the concurrence of the Council therein.

15. BORDER RAILWAYS BILL.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and to be read a second time to-morrow.

16. PAPERS.—The Honorable A. Robinson presented, by command of His Excellency the Governor—

Education—Report of the Minister of Public Instruction for the years 1920–21 and 1921–22.
Inebriate Institutions—Report of the Inspector for the year 1921.

Severally ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Land Act 1915—Alteration of Regulations.
Melbourne and Metropolitan Tramways Act 1918—Copy of Special Construction Scheme, together with Report of the Parliamentary Standing Committee on Railways and the recommendation of the Tramways Board thereon, for the construction of the following tramways :—
Church and Chapel Streets Electric Tramway.
Flemington Road, Peel and William Streets Electric Tramway (Essendon and West Brunswick Extensions).
West Brunswick Electric Tramway.
Neglected Children and Reformatory Schools Department—Report of the Secretary and Inspector for the year 1921.
Public Works Loan Application Act 1911—Balance-sheet and Statement of Accounts of the Victoria Dock Cool Stores for the year 1921–22, together with a Report by the Manager.
State Savings Bank of Victoria—Statements and Returns for the year 1921–22.
University of Melbourne—Annual Report, 1921–22.
Wheat Marketing Acts—Victorian Wheat Commission—General Balance-sheet as at 30th June, 1922, for the 1916–17 to 1920–21 Seasons; Statement of Accounts to that date and Balance-sheet for the 1915–16 Season; and Statement of Accounts to that date for the 1916–17, 1917–18, 1918–19, 1919–20, and 1920–21 Seasons.

17. ALTERATION OF SESSIONAL ORDERS.—The Honorable A. Robinson moved, That so much of the Sessional Orders as relates to Private Members' Business taking precedence of Government Business on Wednesdays be rescinded, and that for the remainder of the Session Government Business shall take precedence of all other business.
Debate ensued.
Question—put and resolved in the affirmative.

18. HOSPITALS AND CHARITIES BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable A. Robinson moved, That this Bill be now read a second time.
Debate ensued.
The Honorable J. Sternberg moved, That the debate be now adjourned.
Debate ensued.
Question—That the debate be now adjourned—put and negatived.
Debate on the main question resumed.
The Honorable R. H. S. Abbott moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until to-morrow.

19. MUNICIPAL RATES RECOVERY BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

20. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until after No. 5.

21. MARNOO LAND BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

22. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3, 4 and 6 to 8 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at thirty-three minutes past ten o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

No. 29.

WEDNESDAY, 15TH NOVEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. SWEARING-IN OF NEW MEMBER.—The Honorable A. M. Zwar having approached the Table, took and subscribed the oath required by law, and delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632, as hereunder set forth :—

"In compliance with the provisions of *The Consitution Act Amendment Act* 1915, I, ALBERT MICHAEL ZWAR, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of over Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of Beechworth, and are known as my private residence in Church-street, Beechworth.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Beechworth are rated in the rate-book of the said municipality upon a yearly value of £140.

"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.

"ALBERT MICHAEL ZWAR."

3. BORDER RAILWAYS BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Section Three of the 'Agricultural Education Act* 1919'" and desiring the concurrence of the Council therein.

5. AGRICULTURAL EDUCATION BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.

6. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly returning the *Rating on Unimproved Values Bill* and acquainting the Council that they have agreed to the same with an amendment and desiring the concurrence of the Council therein.

Ordered—That the foregoing Message be taken into consideration on Tuesday next.

7. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 4 inclusive, be postponed until after No. 9.

8. VERMIN AND NOXIOUS WEEDS BILL.—The Order of the Day for the consideration of the amendments made in this Bill by the Council and agreed to by the Assembly with an amendment having been read, the said amendments were read and are as follow :—

Amendments made by the Legislative Council.	How dealt with by the Legislative Assembly.
Insert the following new clauses :— *To follow clause* 13— A. (1) Notwithstanding anything in any Act, if any owner or occupier of land in the Mallee Country (within the meaning of the Land Acts) satisfies the Superintendent— (*a*) that any saplings mallee shoots shrubs or underwood growing upon any unformed part of the adjacent half-width of any road bounding or adjoining the said land or any part thereof are a harbor or cover for vermin; and (*b*) that it is under this Act the duty of the said owner or occupier to destroy all vermin on the said half-width of road and to keep the same clear and free of vermin; and (*c*) that it is desirable that the said saplings mallee shoots shrubs or underwood should be destroyed— the Superintendent, subject to this section, may in writing authorize the said owner or occupier at his own expense and subject to such conditions restrictions directions and supervision	Agreed to with the following amendment, viz. :— Omit sub-section (2).

Amendments made by the Legislative Council.	How dealt with by the Legislative Assembly.
as are specified in the authority to enter on the said half-width of road and to take all such measures as are reasonably necessary for cutting rolling down or otherwise destroying such saplings mallee shoots shrubs or underwood to a sufficient extent to make the same no longer a harbor or cover for vermin. (2) The Superintendent shall not exercise the powers conferred on him by this section save with the consent— (*a*) of the Country Roads Board—in the case of a main road under the Country Roads Acts; or (*b*) of the Forests Commission—in the case of any road which is a State forest within the meaning of the Forests Acts; or (*c*) of the Minister—in any other case.	Agreed to with the following amendment, viz. :— Omit sub-section (2).
To follow clause 22 :— D. (1) Any person who, after any plant or machine has been used on a farm for reaping stripping winnowing threshing or for chaff-cutting, removes such plant or machine from the farm without having used sufficient reasonable means to insure that such plant or machine and every part thereof is free from seeds of any noxious weeds shall (without affecting any other liability to which he may be subject) be liable to a penalty of not more than Ten pounds. (2) In this section "farm" means any land used wholly or in part for the purpose of growing any crop or of depasturing stock.	Agreed to with the following amendment, viz.:— After "winnowing" insert "or".

The Honorable F. G. Clarke moved, That the Council disagree with the amendment of the Assembly in new clause A.

Debate ensued.

The Council divided.

Ayes, 8.	Noes, 16.
The Hon. W. J. Beckett, F. G. Clarke, H. Keck, J. K. Merritt, A. Robinson, J. Sternberg.	The Hon. W. Angliss, A. A. Austin, E. G. Bath, H. I. Cohen, W. P. Crockett, J. H. Disney, W. H. Edgar, G. L. Goudie, Dr. J. R. Harris, M. McGregor, D. L. McNamara, H. F. Richardson, W. Tyner, A. M. Zwar.
Tellers. The Hon. W. L. R. Clarke, J. P. Jones.	*Tellers.* The Hon. R. H. S. Abbott, A. E. Chandler.

And so it passed in the negative.

The Honorable F. G. Clarke moved, That the Council agree to the amendment of the Assembly in new clause D.

Question—put and resolved in the affirmative.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the amendments made by the Assembly on the amendments of the Council in the said Bill.

9. LIBRARIES BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

10. Land Surveyors Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

11. Friendly Societies Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.

12. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day Government Business, Nos. 2 to 4 and 10 to 13 inclusive and the Orders of the Day, General Business, be postponed until Tuesday next.

13. Adjournment.—The Honorable A. Robinson moved, by leave, That the Council, at its rising, adjourn until Tuesday next.

Question—put and resolved in the affirmative.

The Honorable A. Robinson moved, That the House do now adjourn.

Debate ensued.

Notice being taken that a quorum of members was not present, the President counted the House, and, a quorum not being present, the President, at twenty-six minutes past ten o'clock, adjourned the Council, without question being first put, until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: Albert J. Mullett, Government Printer, Melbourne.

6957—4

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 30.

TUESDAY, 21ST NOVEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Robinson presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bills, viz. :—

   Marnoo Land Bill.
   Border Railways Bill.
   Vermin and Noxious Weeds Bill.
   Land Surveyors Bill.

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Law relating to Juries*" and desiring the concurrence of the Council therein.

4. JURIES BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Workers' Compensation Act* 1915'" and desiring the concurrence of the Council therein.

6. WORKERS' COMPENSATION BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

7. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Licensing of Real Estate Agents*" and desiring the concurrence of the Council therein.

8. REAL ESTATE AGENTS BILL.—On the motion of the Honorable J. K. Merritt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

9. ADJOURNMENT—MOTION UNDER STANDING ORDER No. 53.—The Honorable H. F. Richardson moved, That the Council do now adjourn, and said he proposed to speak on the subject of the injury that is being done to the roads of this State by the carting of heavy loads by motor transport vehicles, and six members having risen in their places and required the motion to be proposed, the question was put and, after debate, negatived.

10. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to authorize the Issue of Treasury Bills and the obtaining of Temporary Advances pending the Flotation of Loans authorized by Parliament*" and desiring the concurrence of the Council therein.

11. TREASURY BILLS AND ADVANCES BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

(275 copies.)

6957.

12. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Bank Liabilities and Assets—Summary of Sworn Returns for the quarter ended 30th September, 1922.

Marine Act 1915—Amendment of the Regulations relating to the Examination of Masters and Mates.

Public Service Act 1915—Regulations—

Classification of General Division, Chapter VI.—Department of Chief Secretary.

Professional Division, Chapter II.—

Department of Law.

Department of Public Works.

13. CONGREGATIONAL UNION BILL.—The Honorable A. Robinson moved, That all the Standing Orders relating to Private Bills, except those relating to fees, be suspended in relation to this Bill, and that the Bill be treated as a Public Bill.

Question—put and resolved in the affirmative.

14. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until after No. 3.

15. CONGREGATIONAL UNION BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

16. HOSPITALS AND CHARITIES BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

17. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to make provision for Sinking Funds in the case of certain Public Works constructed out of Loan Moneys*" and desiring the concurrence of the Council therein.

18. PUBLIC WORKS (SINKING FUNDS) BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

19. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Payment into the Consolidated Revenue of the Amount standing to the Credit of the Government Employés Accident Fund*" and desiring the concurrence of the Council therein.

20. SPECIAL FUNDS BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

21. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 2 be postponed until after No. 6.

22. FRIENDLY SOCIETIES BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

23. COAL MINES REGULATION BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. K. Merritt moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. I. Cohen, that the debate be adjourned until to-morrow.

24. RATING ON UNIMPROVED VALUES BILL.—The Order of the Day for the consideration of the amendment made in this Bill by the Assembly having been read, the said amendment was read and is as follows :—

Insert the following new clause :—

"In the case of every municipality in which this Act has been adopted and so long as the adoption remains unrescinded the unimproved capital value of any land being rateable property used exclusively for a school registered under Part VI. of the *Education Act* 1915 shall notwithstanding anything in this Act be deemed and taken for the purposes of this Act to be an amount equal to the unimproved capital value of that portion only of the land on which there are buildings used exclusively for the purposes of the school (including any buildings used for the accommodation of pupils or of members of the staff of the school)."

The Honorable F. G. Clarke moved, That the Council agree to this amendment.

Debate ensued.
Question—put.
The Council divided.

Ayes, 15.	Noes, 9.
The Hon. W. J. Beckett,	The Hon. A. A. Austin,
A. Bell,	E. G. Bath,
F. W. Brawn,	A. E. Chandler,
F. G. Clarke,	W. H. Edgar,
H. I. Cohen,	M. McGregor,
Dr. J. R. Harris,	H. F. Richardson,
J. P. Jones,	W. Tyner.
E. L. Kiernan,	
J. K. Merritt,	
A. Robinson,	
J. Sternberg,	
E. J. White,	
A. M. Zwar.	
Tellers.	*Tellers.*
The Hon. J. H. Disney,	The Hon. W. P. Crockett,
R. Williams.	H. H. Smith.

And so it was resolved in the affirmative.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the amendment made in the same by the Assembly.

25. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2, and 7 to 11 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at fifty-eight minutes past ten o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

No. 31.

WEDNESDAY, 22ND NOVEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. Papers.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—

   Companies Act 1915—Summary of Statements for the year 1921 made by Companies transacting Life Assurance business in Victoria.

   Land Act 1915—Certificate relating to the Compulsory Resumption of Land as a site for the Woodleigh State School.

   Trade Unions—Thirty-sixth Annual Report—Report of the Government Statist for the year 1921, with an Appendix.

3. Juries Bill.—The Order of the Day for the second reading of this Bill having been read, the Honorable A. Robinson moved, That this Bill be now read a second time.
Debate ensued.
The Honorable W. J. Beckett moved, That the debate be now adjourned.
Debate ensued.
Question—That the debate be now adjourned—put and negatived.
Debate on the main question continued.
Question—That this Bill be now read a second time—put and resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was, after debate, read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence therein.

4. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to Municipal Endowment*" and desiring the concurrence of the Council therein.

5. MUNICIPAL ENDOWMENT BILL.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 to 14 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at six minutes past eleven o'clock, adjourned until to-morrow

R. W. V. McCALL,
Clerk of the Legislative Council.

No. 32.

THURSDAY, 23RD NOVEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to make further and better provision for the Supply of Milk and to amend the 'Dairy Supervision Act* 1915'" and desiring the concurrence of the Council therein.

3. MILK SUPPLY BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.

4. TREASURY BILLS AND ADVANCES BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to certain Unexpended Balances under certain Surplus Revenue Acts*" and desiring the concurrence of the Council therein.

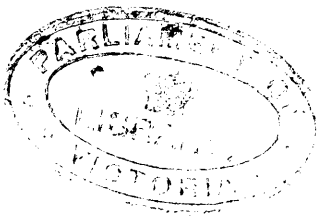
6. SURPLUS REVENUE BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.

7. PUBLIC WORKS (SINKING FUNDS) BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

8. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Sale of certain Land in the Parish of Boorhaman formerly temporarily reserved from sale as a Site for Public Purposes and for the Application of the Proceeds of such Sale to the Purchase of other Land in the said Parish and for other purposes*" and desiring the concurrence of the Council therein.

9. BOORHAMAN LAND BILL.—On the motion of the Honorable J. K. Merritt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.

10. SPECIAL FUNDS BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.



11. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Sale of certain Land in the Parish of Wombat temporarily reserved as a Site for Show Yards and for the Application of the Proceeds of such Sale towards the Purchase of a certain other Site for Show Yards and for other purposes*" and desiring the concurrence of the Council therein.

12. Daylesford Land Bill.—On the motion of the Honorable J. K. Merritt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.

13. Municipal Endowment Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

14. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 5 to 7 inclusive, be postponed until after No. 9.

15. Agricultural Education Bill.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

16. Workers' Compensation Bill.—The Order of the Day for the second reading of this Bill having been read, the Honorable A. Robinson moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. H. Smith, that the debate be adjourned until Tuesday next.

17. Municipal Rates Recovery Bill.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.
Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.

18. Postponement of Orders of the Day.—Ordered, after debate—That the consideration of Orders of the Day, Government Business, Nos. 6, 7 and 10 to 14 inclusive, and the Orders of the Day, General Business, be postponed until Tuesday next.

And then the Council, at forty-three minutes past six o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: Albert J. Mullett, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 33.

TUESDAY, 28TH NOVEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Robinson presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bills, viz. :—
   Congregational Union Bill.
   Friendly Societies Bill.
   Rating on Unimproved Values Bill.
   Treasury Bills and Advances Bill.
   Public Works Sinking Funds Bill.
   Special Funds Bill.
   Municipal Endowment Bill.
   Agricultural Education Bill.
   Juries Bill.

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to the Branding and Ear-marking of Stock*" and desiring the concurrence of the Council therein.

4. BRANDS BILL.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to make provision for Means of Escape and Egress from certain Buildings in the City of Melbourne in the Event of Fire and for other purposes*" and desiring the concurrence of the Council therein.

6. FIRE ESCAPES (MELBOURNE) BILL.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

7. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in the *Juries Bill.*

8. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the dismantling of a portion of the Korumburra Silkstone and Strezlecki Railway and for other purposes*" and desiring the concurrence of the Council therein.

9. KORUMBURRA SILKSTONE AND STREZLECKI RAILWAY BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

10. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Drainage Areas Act* 1915'" and desiring the concurrence of the Council therein.

11. DRAINAGE AREAS BILL.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

12. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to make provision with respect to the Training Qualifications and Registration of Masseurs and for other purposes*" and desiring the concurrence of the Council therein.

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13. Masseurs Registration Bill.—On the motion of the Honorable J. K. Merritt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

14. Statute Law Revision Committee.—The Honorable A. Robinson brought up a Report from the Joint Select Committee of the Legislative Council and the Legislative Assembly on the Revision of the Statute Law, together with the Minutes of Evidence.
Ordered to lie on the Table and to be printed.

15. Papers.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Closer Settlement Act 1918—Report under section 12, sub-section (5), of the decision of the Minister to acquire the following estate :—
Glendenning and Melville Forest, near Balmoral.

Discharged Soldiers Settlement Act 1917—Report under section 25, sub-section 5, of the decision of the Minister to acquire the following estate :—
McGregor's land, near Koo-Wee-Rup.

Land Acts—Certificate relating to the Compulsory Resumption of Land as a site for the Camberwell South State School.

Public Service Act 1915—Regulations—Classification of General Division, Chapter VI.—Department of Chief Secretary.

16. Hospitals and Charities Bill.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

17. Milk Supply Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

18. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to the Inspection and Regulation of Boilers*" and desiring the concurrence of the Council therein.

19. Boilers Inspection Bill.—On the motion of the Honorable J. K. Merritt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

20. Messages from the Legislative Assembly.—The President announced the receipt of Messages from the Assembly acquainting the Council that they have agreed to the following Bills without amendment :—
Gaming Bill.
Architects Registration Bill.

21. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 13 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at fifteen minutes past eleven o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

No. 34.

WEDNESDAY, 29th NOVEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. Paper.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk :—

Constitution Act Amendment Act 1915—Regulations relating to the duties and discipline of officers under the House Committee.

3. Supreme Court Bill.—On the motion of the Honorable A. Robinson, a Bill to further amend the *Supreme Court Act* 1915 was read a first time, ordered to be printed and to be read a second time to-morrow.

4. TRUSTS BILL.—On the motion of the Honorable A. Robinson, a Bill relating to Interest on certain Debentures or Inscribed Stock purchased or sold by Trustees was read a first time, ordered to be printed and to be read a second time to-morrow.

5. HOSPITALS AND CHARITIES BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill and asked leave to sit again.
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day, Government Business, Nos. 2 to 19 inclusive, and the Orders of Day, General Business, be postponed until to-morrow.

And then the Council, at twenty-eight minutes past eleven o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

No. 35.

THURSDAY, 30TH NOVEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly returning the *Libel Law Amendment Bill* and acquainting the Council that they have agreed to the same with an amendment and desiring the concurrence of the Council therein.
Ordered—That the foregoing Message be taken into consideration later this day.

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Sewerage Districts Act* 1915'" and desiring the concurrence of the Council therein.

4. SEWERAGE DISTRICTS BILL.—On the motion of the Honorable J. K. Merritt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the 'Mildura Vineyards Protection Act* 1918'" and desiring the concurrence of the Council therein.

6. MILDURA VINEYARDS PROTECTION BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.

7. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Primary Products Advances Acis*" and desiring the concurrence of the Council therein.

8. PRIMARY PRODUCTS ADVANCES BILL.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time on Tuesday next.

9. ALTERATION OF SESSIONAL ORDERS.—The Honorable A. Robinson moved, That so much of the Sessional Orders as fixes the hour of meeting on Wednesday and Thursday in each week and limits the time for taking new business be rescinded, and that for the remainder of the Session the Council shall meet for the despatch of business on Fridays, and Eleven o'clock shall be the hour of meeting on Wednesdays, Thursdays and Fridays.
Debate ensued.
Motion, by leave, amended by omitting the words "and limits the time for taking new business."
Question—That so much of the Sessional Orders as fixes the hour of meeting on Wednesday and Thursday in each week be rescinded, and that for the remainder of the Session the Council shall meet for the despatch of business on Fridays, and Eleven o'clock shall be the hour of meeting on Wednesdays, Thursdays and Fridays—put and resolved in the affirmative.

10. LIBEL LAW AMENDMENT BILL.—The Order of the Day for the consideration of the amendment made in this Bill by the Assembly having been read, the said amendment was read and is as follows:—

Clause 3, sub-section (1), lines 5–6, omit the words "unless it is proved that such report was published maliciously" and insert the words "provided it is proved that such report was published *bonâ fide* and without malice."

On the motion of the Honorable A. Robinson, and after debate, the Council agreed to the amendment made by the Assembly in this Bill, and ordered the Bill to be returned to the Assembly with a Message acquainting them therewith.

11. Hospitals and Charities Bill.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had agreed to the Bill with amendments.
On the motion of the Honorable A. Robinson, the Bill was recommitted to a Committee of the whole in respect of clauses 9 and 21.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with further amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

12. Papers.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—

Land Act 1915—Report for the year 1921–22.
State Electricity Commission of Victoria—Third Annual Report, together with Statement of Accounts for the year 1921–22.

13. Surplus Revenue Bill.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

14. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 5 inclusive, be postponed until after No. 6.

15. Coal Mines Regulation Bill.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

16. Supreme Court Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

17. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4, 5, and 7 to 21 inclusive, and the Orders of the Day, General Business, be postponed until Tuesday next.

18. Adjournment.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday next.
Question—put and resolved in the affirmative.
The Honorable A. Robinson moved, That the House do now adjourn.
Debate ensued.
Question—put and resolved in the affirmative.

And then the Council, at forty minutes past ten o'clock, adjourned until Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: Albert J. Mullett, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 36.

TUESDAY, 5TH DECEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Robinson presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bills, viz. :—

   Gaming Bill.
   Architects Registration Bill.
   Libel Law Amendment Bill.
   Surplus Revenue Bill.
   Coal Mines Regulation Bill.

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Licensing Acts*" and desiring the concurrence of the Council therein.

4. LICENSING BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to declare that certain Enactments of the Parliament of England and of the Parliament of Great Britain and of the Parliament of the United Kingdom of Great Britain and Ireland in force at the time of the passing of the Act 9 George IV. c. lxxxiii. shall not apply in Victoria and to transcribe or consolidate other Enactments of such Parliaments and for other purposes*" and desiring the concurrence of the Council therein.

6. IMPERIAL ACTS APPLICATION BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

7. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Closing of Portion of a certain Street adjoining the Township of Jeparit and for the Grant of a Lease of the Portion so closed to the Country Fire Brigades Board and for other purposes*" and desiring the concurrence of the Council therein.

8. JEPARIT LAND BILL.—On the motion of the Honorable J. K. Merritt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

9. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to revoke the Permanent Reservation of certain Land at Kew and to make provision for its Permanent Reservation as a Site for Public Recreation and Park*" and desiring the concurrence of the Council therein.

10. KEW LAND BILL.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

11. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Section Four of the 'Alexandra Park Act* 1904'" and desiring the concurrence of the Council therein.

12. ALEXANDRA PARK BILL.—On the motion of the Honorable J. K. Merritt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

13. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Audit Acts*" and desiring the concurrence of the Council therein.

14. AUDIT BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

15. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Forests Commission of Victoria—Third Annual Report, Financial year 1921–22.
Local Government Act 1921—Regulations for Storage of Petroleum, &c.

16. WORKERS' COMPENSATION BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair ; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

17. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly returning the *Hospitals and Charities Bill* and acquainting the Council that they have agreed to some of the amendments made in such Bill by the Council and have disagreed with others of the said amendments and desiring the concurrence of the Council therein.

Ordered—That the foregoing Message be taken into consideration to-morrow.

18. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Reimbursement of Expenses of Members of the Legislative Council*" and desiring the concurrence of the Council therein.

19. CONSTITUTION ACT AMENDMENT BILL.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

20. IMPERIAL ACTS APPLICATION BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair ; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was, after debate, read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

21. MILK SUPPLY BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair ; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

22. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Railways Acts with respect to the Board of Discipline*" and desiring the concurrence of the Council therein.

23. RAILWAYS (BOARD OF DISCIPLINE) BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

24. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 to 20 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at twenty-two minutes past eleven o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

No. 37.

WEDNESDAY, 6TH DECEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. METROPOLITAN TOWN PLANNING COMMISSION BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair ; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

3. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until after No. 4.

4. Licensing Bill.—The Order of the Day for the second reading of this Bill having been read, the Honorable A. Robinson moved, That this Bill be now read a second time.
Debate ensued.
The Honorable W. Tyner moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and negatived.
Debate on the main question continued.
Question—That this Bill be now read a second time—put.
The Council divided.

Ayes, 22.	Noes, 4.
The Hon. W. Angliss,	The Hon. A. E. Chandler,
W. J. Beckett,	W. H. Edgar.
T. Beggs,	
A. Bell,	*Tellers.*
F. G. Clarke,	The Hon. E. G. Bath,
W. P. Crockett,	W. Tyner.
J. H. Disney,	
G. L. Goudie,	
Dr. J. R. Harris,	
J. P. Jones,	
H. Keck,	
M. McGregor,	
D. L. McNamara,	
J. K. Merritt,	
A. Robinson,	
H. H. Smith,	
J. Sternberg,	
E. J. White,	
R. Williams,	
A. M. Zwar.	
Tellers.	
The Hon. R. H. S. Abbott,	
A. A. Austin.	

And so it was resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair ; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House, after debate, adopted the Report.
Ordered—That the Bill be read a third time to-morrow.

5. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to declare the Rate of Land Tax for the year ending the thirty-first day of December One thousand nine hundred and twenty-three and to amend the Land Tax Acts*" and desiring the concurrence of the Council therein.

6. Land Tax Bill.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

7. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Stamps Acts*" and desiring the concurrence of the Council therein.

8. Stamps Bill.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

9. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to declare the Rates of Income Tax for the year ending on the thirtieth day of June One thousand nine hundred and twenty-three and to amend and continue the Income Tax Acts*" and desiring the concurrence of the Council therein.

10. Income Tax Bill.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

11. Paper.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk :—

Friendly Societies—Report of the Government Statist for the year 1921, with Appendices.

12. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 2, 3, and 5 to 7 inclusive, be postponed until after No. 9.

13. Boorhaman Land Bill.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair ; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

14. Daylesford Land Bill.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

15. Real Estate Agents Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

16. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3, 5 to 7 and 10 to 27 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at half-past ten o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

No. 38.

THURSDAY, 7th DECEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to further continue the 'Betting Tax Act* 1921' *as amended by the 'Betting Tax Act* 1921 (*No.* 2)'" and desiring the concurrence of the Council therein.

3. Betting Tax Bill.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

4. Paper.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:—

Fisheries Acts—Notice of Intention to issue Proclamations—
To permit netting, &c., in certain portions of Waranga reservoir.
To permit netting in Salt Lake, near Corop.

5. Licensing Bill.—The Order of the Day for the third reading of this Bill having been read, the Honorable A. Robinson moved, That this Bill be now read a third time.
Debate ensued.
Question—put.
The Council divided.

Ayes, 20.	Noes, 5.
The Hon. R. H. S. Abbott,	The Hon. E. G. Bath,
A. A. Austin,	W. H. Edgar,
W. J. Beckett,	W. Tyner.
A. Bell,	
F. G. Clarke,	*Tellers.*
W. P. Crockett,	The Hon. A. E. Chandler,
J. H. Disney,	H. F. Richardson.
G. L. Goudie,	
Dr. J. R. Harris,	
J. P. Jones,	
H. Keck,	
E. L. Kiernan,	
M. McGregor,	
J. K. Merritt,	
A. Robinson,	
J. Sternberg,	
R. Williams,	
A. M. Zwar.	
Tellers.	
The Hon. T. Beggs,	
W. L. R. Clarke.	

And so it was resolved in the affirmative.—Bill read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments and desiring their concurrence therein.

6. LAND TAX BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

7. STAMPS BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

8. INCOME TAX BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

9. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly returning the *Workers' Compensation Bill* and acquainting the Council that they have disagreed with one of the amendments made by the Council in such Bill and have disagreed with the amendment to omit clause 4, but have made amendments in the said clause, and desiring the concurrence of the Council therein.

Ordered—That the foregoing Message be taken into consideration later this day.

10. CONSTITUTION ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable F. G. Clarke moved, That this Bill be now read a second time.

Debate ensued.

Question—put.

The Council divided.

Ayes, 19.	Noes, 4.
The Hon. E. G. Bath,	The Hon. W. Angliss,
W. J. Beckett,	T. Beggs.
A. Bell,	
A. E. Chandler,	*Tellers.*
F. G. Clarke,	The Hon. A. A. Austin,
W. P. Crockett,	H. H. Smith.
J. H. Disney,	
G. L. Goudie,	
Dr. J. R. Harris,	
J. P. Jones,	
H. Keck,	
E. L. Kiernan,	
M. McGregor,	
D. L. McNamara,	
J. Sternberg,	
W. Tyner,	
R. Williams.	
Tellers.	
The Hon. R. H. S. Abbott,	
H. F. Richardson.	

And so it was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had agreed to the Bill without amendment.

On the motion of the Honorable A. A. Austin, and after debate, the Bill was recommitted to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had agreed to the following resolutions:—

That it be a suggestion to the Legislative Assembly that they make the following amendments in the Bill, viz.:—

Clause 2, line 19, after "from" insert "the said first day of January or."

Clause 2, line 21, after "seat" insert "(whichever day is the later)."

and asked leave to sit again.

On the motion of the Honorable F. G. Clarke, the Report was adopted.

Ordered—That the Bill be returned to the Assembly with a Message suggesting that the Assembly amend the same as set forth in the foregoing resolutions.

Resolved—That the Council will, to-morrow, again resolve itself into a Committee of the whole.

11. Postponement of Order of the Day.—Ordered, after debate—That the consideration of Order of the Day, Government Business No. 6, be postponed until after No. 7.

12. Brands Bill.—The Order of the Day for the second reading of this Bill having been read, the Honorable F. G. Clarke moved, That this Bill be now read a second time, and debate arising thereupon, it was ordered, on the motion of the Honorable W. J. Beckett, that the debate be adjourned until later this day.

13. Real Estate Agents Bill.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

14. Workers' Compensation Bill.—The Order of the Day for the consideration of the amendments made in this Bill by the Council and disagreed with by the Assembly having been read, the said amendments were read and are as follow :—

Amendments made by the Legislative Council.	How dealt with by the Legislative Assembly.
1. Clause 4, omit this clause.	Disagreed with, but the following amendments made in the clause :— Paragraph (*b*), sub-paragraphs (i) and (ii), lines 27-35, omit these sub-paragraphs and insert "does not either sub-let the contract or employ workers or although employing workers actually performs any part of the work himself." Line 39, omit "an employer" and insert "the employer of the contractor."
2. Insert the following new clause to follow clause 7 :— A. (1) Rules under the Workers' Compensation Acts may provide for conferring on a judge of County Courts the like powers of making orders for the examination of witnesses and persons and for discovery interrogatories and inspection of documents and for further particulars in proceedings under the said Acts as are exerciseable as respects actions in County Courts. (2) The provisions of section thirty of the Principal Act shall extend and apply to the making of such rules and to such rules when made.	Disagreed with.

On the motion of the Honorable A. Robinson, the Council did not insist on their amendment to omit clause 4 disagreed with by the Assembly and agreed to the amendments of the Assembly in the said clause, and did not insist on their amendment to insert new clause A disagreed with by the Assembly, and ordered the Bill to be returned to the Assembly with a Message acquainting them therewith.

15. Brands Bill.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

16. Trusts Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

17. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 9 to 27 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at twenty-nine minutes past ten o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

No. 39.

FRIDAY, 8TH DECEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly returning the *Constitution Act Amendment Bill* and acquainting the Council that they have considered the Message of the Council suggesting, on the consideration of the Bill in Committee, that the Assembly make certain amendments in such Bill, and have made the suggested amendments.
Ordered—That the foregoing Message be referred to the Committee of the whole on the Constitution Act Amendment Bill.

3. PAPER.—The Honorable A. Robinson presented, by command of His Excellency the Governor—
Indeterminate Sentences Board—Report for the year 1921–22.
Ordered to lie on the Table.

4. CONSTITUTION ACT AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill, as amended by the Assembly on the suggestion of the Council, without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same, as amended by the Assembly on the suggestion of the Council, without amendment.

5. BETTING TAX BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

7. KORUMBURRA SILKSTONE AND STREZLECKI RAILWAY BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

8. JEPARIT LAND BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

9. KEW LAND BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

10. MILK SUPPLY BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had agreed to the Bill with an amendment.
On the motion of the Honorable A. Robinson, the Bill was recommitted to a Committee of the whole in respect of clause 7.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.
Resolved—That the Council will, later this day, again resolve itself into the said Committee.

11. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 8, be postponed until later this day.

12. MASSEURS REGISTRATION BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.
Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.

13. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the State Electricity Commission Acts*" and desiring the concurrence of the Council therein.

14. STATE ELECTRICITY COMMISSION BILL.—On the motion of the Honorable F. G. Clarke, for the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

15. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 10 to 13 inclusive, be postponed until later this day.

16. BRUNSWICK LANDS SALE BILL.—The Honorable F. G. Clarke moved, by leave, That all the Standing Orders relating to Private Bills be suspended in relation to this Bill, and that the Bill be treated as a Public Bill.
Question—put and resolved in the affirmative.
The Honorable F. G. Clarke moved, That this Bill be now read a second time.
Debate ensued.
Question—put and resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

17. DRAINAGE AREAS BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

18. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 16 and 17, be postponed until later this day.

19. SEWERAGE DISTRICTS BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

20. MILK SUPPLY BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with a further amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

21. Railways (Board of Discipline) Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

22. Audit Bill.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

23. Mildura Vineyards Protection Bill.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

24. Fire Escapes (Melbourne) Bill.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. K. Merritt moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable W. J. Beckett, that the debate be adjourned until Tuesday next.

25. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting an Address to the Honorable Sir Leo Finn Bernard Cussen, Justice of the Supreme Court of Victoria, and desiring the concurrence of the Council therein.
The said Address was read by the Clerk, and is as follows:—

We, the Legislative Assembly of Victoria, desire on behalf of the Parliament and the people of this State to express grateful thanks to the Honorable Sir Leo Finn Bernard Cussen, Justice of the Supreme Court, on the completion of his great and self-imposed task in preparing the Imperial Acts Application Bill which has been unanimously passed by both Houses.

The preparation of this Bill required great ability, untiring research, and exceptional power of precise discrimination. It involved the solution of most difficult and complex problems and the careful consideration of some seven thousand Imperial Acts extending over several centuries. It is a legal achievement of which the State is proud.

By the consolidation of the Victorian Statutes, sixteen years eminent service on the Supreme Court Bench, and by the completion of this great work, His Honor has conferred lasting benefit on the State. A life of public endeavour has been crowned with a great and generous gift to Victoria.

The Honorable A. Robinson moved, That the blank in the foregoing Address by filled up by the insertion of the words "Legislative Council and the".
Question—put and resolved in the affirmative.
The Honorable A. Robinson moved, That this House agree with the Assembly in the said Address.
Debate ensued.
Question—put and resolved in the affirmative.
Ordered—That a Message be transmitted to the Assembly acquainting them that the Council have agreed to the Address, and have filled up the blank therein by the insertion of the words "Legislative Council and the".

26. Postponement of Orders of the Day.—Ordered, after debate—That the consideration of Orders of the Day, Government Business, Nos. 3, 10, 11, 13, 17, 20 to 22 inclusive, and *State Electricity Commission Bill—Second reading*, and the Orders of the Day, General Business, be postponed until Tuesday next.

And then the Council, at thirty-three minutes past six o'clock, adjourned till Tuesday next.

R. W. V. McCALL,
Clerk of the Legislative Council.

By Authority: Albert J. Mullett, Government Printer, Melbourne.

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VICTORIA

LEGISLATIVE COUNCIL.

MINUTES OF THE PROCEEDINGS.

No. 40.

TUESDAY, 12TH DECEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk :—

   Closer Settlement Act 1918—Report under section 12, sub-section (5), of the decision of the Minister to acquire the following estate :—Englefield, near Balmoral.

3. THE LATE HONORABLE WILLIAM KENDELL.—The President announced that he had received the following letter from Mrs. Kendell :—

   The Oaks, Auburn-road,
   11th December, 1922.

   Dear Sir WALTER,

   Please convey to the Members of the Legislative Council our sincere appreciation of the sentiments expressed by them regarding my late husband who was so happy in his legislative surroundings, and on behalf of my family and myself I wish to express our deep thanks for the nicely bound copies of the In Memoriam record you were good enough to have forwarded to me.

   Believe me to be, Dear Sir Walter,
   Yours very sincerely,
   JOSEPHINE KENDELL.

   Hon. Sir Walter Manifold,
   President of the Legislative Council.

4. MASSEURS REGISTRATION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

   House in Committee.

   The President resumed the Chair ; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

   Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence therein.

5. STATE ELECTRICITY COMMISSION BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable A. Robinson moved, That this Bill be now read a second time.

   Debate ensued.

   The Honorable R. H. S. Abbott moved, That the debate be now adjourned.

   Debate ensued.

   Question—That the debate be now adjourned—put and negatived.

   Debate on the main question continued.

   Question—That this Bill be now read a second time—put and resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.

   House in Committee.

   The President resumed the Chair ; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill and asked leave to sit again.

   Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

6. HOSPITALS AND CHARITIES BILL.—The Order of the Day for the consideration of the amendments made in this Bill by the Council and disagreed with by the Assembly having been read, the said amendments were read and are as follow :—

Amendments made by the Legislative Council.	How dealt with by the Legislative Assembly.
4. Clause 4, page 5, lines 12–25, omit the definition of "Intermediate hospital."	Disagreed with.
5. Clause 5, insert the following new paragraphs to follow paragraph (*g*) :— ( ) the institutions conducted by the Old Colonists' Association of Victoria. ( ) the institution known as the Freemasons' Homes of Victoria.	
9. Clause 40, omit this clause.	
10. Clause 41, omit this clause.	
11. Clause 42, omit this clause.	
12. Clause 47, omit this clause.	
14. Clause 48, sub-clause (3), omit this sub-clause.	
16. Clause 87, sub-clause (1), paragraph (*i*), omit this paragraph.	
17. ,, sub-clause (1), paragraph (*j*), omit this paragraph.	
18. ,, sub-clause (1), paragraph (*l*), omit this paragraph.	
19. Insert the following new clause :— A. No person other than a registered pharmaceutical chemist or where the services of such a chemist are not available a duly qualified medical practitioner shall compound any medicine or drug for use in any hospital. Any person who acts in contravention of this section shall be punishable as for an offence under section one hundred and three of the *Medical Act* 1915.	

The Honorable A. Robinson moved, That the Council do not insist on their amendment in clause 4.
Debate ensued.
The Honorable H. F. Richardson moved as an amendment, That the Council insist on their amendments with which the Assembly have disagreed.
Debate ensued.
Question—That the Council insist on their amendments with which the Assembly have disagreed—put.
The Council divided.

Ayes, 17.	Noes, 12.
The Hon. R. H. S. Abbott,	The Hon. T. Beggs,
A. A. Austin,	A. Bell,
E. G. Bath,	F. G. Clarke,
W. J. Beckett,	W. L. R. Clarke,
A. E. Chandler,	H. I. Cohen,
J. H. Disney,	H. Keck,
W. H. Edgar,	M. McGregor,
J. P. Jones,	J. K. Merritt,
E. L. Kiernan,	A. Robinson,
D. L. McNamara,	J. Sternberg.
H. F. Richardson,	
H. H. Smith,	*Tellers.*
W. Tyner,	The Hon. W. Angliss,
R. Williams,	F. W. Brawn.
A. M. Zwar.	
Tellers.	
The Hon. W. P. Crockett,	
Dr. J. R. Harris.	

And so it was resolved in the affirmative.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council insist on their amendments with which the Assembly have disagreed.

7. POSTPONEMENT OF ORDER OF THE DAY.—Ordered, after debate—That the consideration of Order of the Day, Government Business, No. 4, be postponed until after No. 5.

8. ALEXANDRA PARK BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

9. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Factories and Shops Acts*" and desiring the concurrence of the Council therein.

10. FACTORIES AND SHOPS BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

11. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 and 6 to 11 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at one minute past eleven o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

No. 41.

WEDNESDAY, 13TH DECEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—
Health Act 1919—Report of the Commission of Public Health.
Land Act 1919—Particulars of lease of swamp or reclaimed land under section 110.

3. ALTERATION OF SESSIONAL ORDERS.—The Honorable A. Robinson moved, That so much of the Sessional Orders as provides that no new business be taken after the hour of Eleven o'clock be rescinded.
Debate ensued.
The Honorable R. H. S. Abbott moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until to-morrow.

4. STATE ELECTRICITY COMMISSION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.
Resolved—That the Council will, later this day, again resolve itself into the said Committee.

5. SWEARING-IN OF NEW MEMBER.—The Honorable T. H. Payne, having approached the Table, took and subscribed the oath required by law, and delivered to the Clerk the Declaration required by the forty-ninth section of the Act No. 2632, as hereunder set forth:—

"In compliance with the provisions of *The Constitution Act Amendment Act* 1915, I, THOMAS HENRY PAYNE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in Victoria of the yearly value of Nine hundred pounds above all charges and incumbrances affecting the same, other than any public or Parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situate in the municipal district of city of Prahran, and are known as 'Leura,' Toorak, being Crown portion 30, parish of Prahran, county of Bourke.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of the said municipality upon a yearly value of £900.

"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.

"T. H. PAYNE."

6. State Electricity Commission Bill.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence therein.

7. Brands Bill.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.
Resolved—That the Council will, later this day, again resolve itself into the said Committee.

8. Factories and Shops Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

9. Brands Bill.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had agreed to the Bill with amendments.
On the motion of the Honorable F. G. Clarke, the Bill was recommitted to a Committee of the whole in respect of clauses 12 and 29.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with further amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

10. Postponement of Order of the Day.—Ordered—That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

11. Primary Products Advances Bill.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

12. Boilers Inspection Bill.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. K. Merritt moved, That this Bill be now read a second time.
Debate ensued.
The Honorable R. H. S. Abbott moved as an amendment, That the word "now" be omitted and the words "this day four weeks" be added after the word "time".
Debate ensued.
Question—That the word "now" proposed to be omitted stand part of the question—put.
The Council divided.

Ayes, 13.	Noes, 11.
The Hon. W. J. Beckett,	The Hon. W. Angliss,
T. Beggs,	A. A. Austin,
A. Bell,	W. L. R. Clarke,
F. G. Clarke,	G. L. Goudie,
H. I. Cohen,	Dr. J. R. Harris,
J. H. Disney,	H. Keck,
J. P. Jones,	M. McGregor,
J. K. Merritt,	J. Sternberg,
A. Robinson,	A. M. Zwar.
H. H. Smith,	
R. Williams.	*Tellers.*
Tellers.	The Hon. R. H. S. Abbott,
The Hon. F. W. Brawn,	H. F. Richardson.
D. L. McNamara.	

And so it was resolved in the affirmative.

Question—That this Bill be now read a second time—put and resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had made progress in the Bill, and asked leave to sit again.
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

13. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4 and 7 to 9 inclusive, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at thirty-seven minutes past eleven o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

No. 42.

THURSDAY, 14th DECEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. Alteration of Sessional Orders.—The Order of the Day for the consideration of the question, That so much of the Sessional Orders as provides that no new business be taken after the hour of Eleven o'clock be rescinded, having been read—
Debate resumed.
The Honorable H. F. Richardson moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.

3. Police Offences Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.
Ordered—That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

4. Paper.—The following Paper, pursuant to the directions of several Acts of Parliament, was laid upon the Table by the Clerk:—

Closer Settlement Act 1915 and Discharged Soldiers Settlement Acts—Report of the Closer Settlement Board for the year 1921–22.

5. Factories and Shops Bill.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar reported that the Committee had agreed to the Bill with amendments.
On the motion of the Honorable A. Robinson, the Bill was recommitted to a Committee of the whole in respect of clauses 17 and 22.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with a further amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

6. Message from Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to authorize the raising of Money for Railways and for Irrigation Works and Water Supply*" and desiring the concurrence of the Council therein.

7. Victorian Government Loan Bill.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

8. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to authorize the raising of Money for the purposes of Works and Undertakings of the State Electricity Commission of Victoria and to sanction the Issue and Application of such Money for the said purposes*" and desiring the concurrence of the Council therein.

9. Electricity Supply Loan Bill.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

10. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to authorize the raising of Money for Public Works and other purposes and to sanction the Issue and Application of such Money*" and desiring the concurrence of the Council therein.

11. VICTORIAN LOAN (PUBLIC WORKS) BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

12. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 4, be postponed until later this day.

13. FIRE ESCAPES (MELBOURNE) BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence therein.

14. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to authorize the Construction by the Melbourne and Metropolitan Tramways Board of an Electric Tramway from Richmond to Prahran*" and desiring the concurrence of the Council therein.

15. RICHMOND TO PRAHRAN TRAMWAY CONSTRUCTION BILL.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

16. VICTORIAN GOVERNMENT LOAN BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

17. ORDER OF THE COUNCIL RESCINDED.—The Honorable F. G. Clarke moved, by leave, That the Order of the Council appointing the next day of meeting as the day for the second reading of the *Richmond to Prahran Tramway Construction Bill* be rescinded, and that the second reading of such Bill be made an Order of the Day for later this day.

Question—put and resolved in the affirmative.

18. ELECTRICITY SUPPLY LOAN BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

19. VICTORIAN LOAN (PUBLIC WORKS) BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

20. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to authorize the Construction by the Melbourne and Metropolitan Tramways Board of an Electric Tramway from Melbourne to West Brunswick*" and desiring the concurrence of the Council therein.

21. MELBOURNE TO WEST BRUNSWICK TRAMWAY CONSTRUCTION BILL.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

22. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Closing of a certain Street in the City of South Melbourne and for other purposes*" and desiring the concurrence of the Council therein.

23. South Melbourne Land (Street Closing) Bill.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

24. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Closing of Portion of a certain Street in the City of South Melbourne and for the Permanent Reservation from Sale of the said Portion as a Site for a Memorial to Sailors and Soldiers who served in the War which commenced in the Year One thousand nine hundred and fourteen*" and desiring the concurrence of the Council therein.

25. South Melbourne Land Bill.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

26. South Melbourne Land (Street Closing) Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

27. South Melbourne Land Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

28. Municipal Rates Recovery Bill.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence therein.

29. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to Tourists' Resorts*" and desiring the concurrence of the Council therein.

30. Tourists Resorts Bill.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, was read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

31. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to the School of Veterinary Science in the University of Melbourne*" and desiring the concurrence of the Council therein.

32. University (Veterinary School) Bill.—On the motion of the Honorable J. K. Merritt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

33. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to certain Funds and Accounts of the State Electricity Commission of Victoria*" and desiring the concurrence of the Council therein.

34. State Electricity Commission (Funds and Accounts) Bill.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, was read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

35. UNIVERSITY (VETERINARY SCHOOL) BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

36. ALTERATION OF SESSIONAL ORDERS.—The Order of the Day for the resumption of the debate on the question, That so much of the Sessional Orders as provides that no new business be taken after the hour of Eleven o'clock be rescinded, having been read—

Debate resumed.

Question—put and resolved in the affirmative.

37. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly returning the *Factories and Shops Bill* and acquainting the Council that they have agreed to some of the amendments made by the Council in such Bill, have disagreed with the amendment to insert new clause D, have disagreed with the amendment to omit clause 18 but have made an amendment in the said clause, and have agreed to the amendment in clause 19 but have made a further amendment in the clause, and desiring the concurrence of the Council therein.

37A. FACTORIES AND SHOPS BILL.—The said amendments were read and are as follow:—

Amendments made by the Legislative Council.	How dealt with by the Legislative Assembly.
2. Clause 18, omit this clause.	Disagreed with, but the following amendment made in the clause, viz.:—Page 10, line 19, after "work" insert "Provided that any person who is not engaged for a week who earns a sum in wages equal to the wages of an ordinary week's work may be required by the employer to complete the week's work without further pay."
3. Clause 19, line 3, before "hour" insert "latest."	Agreed to, but the following further amendment made in the clause, viz.:—At the end of the clause add "also determine what notice of termination of employment shall be given by either employer or worker".
6. Insert the following new clause:— D. (1) Section ten of the *Factories and Shops Act* 1919 is hereby repealed. (2) At the end of section one hundred and five of the Principal Act there shall be inserted the following sub-section:— "(2) The Minister may suspend the provisions of sub-section (1) of this section in any shop to such extent and subject to such conditions as appear requisite and such suspension may be revoked by the Minister by a notification under his hand posted to the occupier of the shop affected thereby. No such suspension shall authorize the sale or offering for sale or exposure for sale of any goods the dealing in which would under the provisions of this Part necessitate the closing of such shop".	Disagreed with.

Amendment 2.—The Honorable A. Robinson moved, That the Council do not insist on their amendment to omit clause 18 and agree to the proviso inserted by the Assembly in the said clause.

The Honorable H. I. Cohen moved as an amendment, That the following words be added to the motion:—"but make the following amendments in the clause, viz.:—

Page 10, line 32, omit 'who is engaged for a week';
,, line 33, omit 'that' and insert 'any'."

Debate ensued.

The Honorable H. F. Richardson moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until to-morrow.

38. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to authorize the Construction by the State of a Line of Railway from Hopetoun to Patchewollock*" and desiring the concurrence of the Council therein.

39. HOPETOUN TO PATCHEWOLLOCK RAILWAY CONSTRUCTION BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and to be read a second time to-morrow.

40. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 4, 7, *Richmond to Prahran Tramway Construction Bill—Second reading*, and *Melbourne to West Brunswick Tramway Construction Bill—Second reading*, and the Orders of the Day, General Business, be postponed until to-morrow.

And then the Council, at thirty-four minutes past eleven o'clock, adjourned until to-morrow.

R. W. V. McCALL,
Clerk of the Legislative Council.

No. 43.

FRIDAY, 15th DECEMBER, 1922.

1. The President took the Chair and read the Prayer.

2. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to authorize the Metropolitan Fire Brigades Board to borrow a further sum of Twenty thousand pounds and for other purposes*" and desiring the concurrence of the Council therein.

3. Metropolitan Fire Brigades Board Loan Bill.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

4. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to the Committee of Public Accounts*" and desiring the concurrence of the Council therein.

5. Public Accounts Committee Bill.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

6. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Melbourne and Metropolitan Board of Works Acts*" and desiring the concurrence of the Council therein.

7. Melbourne and Metropolitan Board of Works Bill.—On the motion of the Honorable J. K. Merritt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

8. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to the works and undertakings of The North Melbourne Electric Tramways and Lighting Company Limited in the Municipal District of the City of Melbourne and of the City of Essendon*" and desiring the concurrence of the Council therein.

9. North Melbourne Electric Tramways and Lighting Company Bill.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

10. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the State Savings Bank Acts and Part I. of the 'Housing and Reclamation Act* 1920'" and desiring the concurrence of the Council therein.

11. State Savings Bank Bill.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

12. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Excision of certain Crown Lands from a Reserved Forest under the Forests Acts in Exchange for portion of certain Lands under the 'Great Ocean Road (Lands Sale) Act* 1920' *and for other purposes*" and desiring the concurrence of the Council therein.

13. Great Ocean Road (Lands Exchange) Bill.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

14. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to authorize Trustees to invest in Stock and other Securities of the Government of the Commonwealth of Australia or of any State in the Commonwealth or of the Dominion of New Zealand*" and desiring the concurrence of the Council therein.

15. TRUSTEES INVESTMENTS BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

16. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, after debate—That the consideration of Orders of the Day, Government Business, Nos. 1, 2 and 3, be postponed until later this day.

17. HOPETOUN TO PATCHEWOLLOCK RAILWAY CONSTRUCTION BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

18. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in the *Municipal Rates Recovery Bill.*

19. MELBOURNE TO WEST BRUNSWICK TRAMWAY CONSTRUCTION BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was, after debate, read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

20. FACTORIES AND SHOPS BILL.—The Order of the Day for the resumption of the debate on the question, That the Council do not insist on their amendment to omit clause 18 and agree to the proviso inserted by the Assembly in the said clause, and on the proposed amendment to add the following words to the motion :—" but make the following amendments in the clause, viz. :—

Page 10, line 32, omit ' who is engaged for a week ' ;
,, line 33, omit ' that ' and insert ' any ' " ;

having been read—
The Honorable H. I. Cohen, by leave, proposed the following amendment in substitution for amendment previously proposed :—

That the following words be added to the motion :—" with the following amendment, viz. :—At the end of the proviso add ' and if such person refuses to do so he shall forfeit his right to any payment for that week ' but make the following amendments in the clause, viz. :—

Page 8, line 7, after ' rates ' insert ' per hour ' ;
,, 10, line 12, omit ' fifty ' and insert ' twenty-five '."

Debate resumed.
The Honorable F. G. Clarke moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until later this day.

21. RICHMOND TO PRAHRAN TRAMWAY CONSTRUCTION BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

22. METROPOLITAN FIRE BRIGADES BOARD LOAN BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

23. NORTH MELBOURNE ELECTRIC TRAMWAYS AND LIGHTING COMPANY BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable A. Robinson moved, That this Bill be now read a second time, and, debate arising thereupon, it was ordered, on the motion of the Honorable H. H. Smith that the debate be adjourned until later this day.

24. Public Accounts Committee Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

25. Factories and Shops Bill.—The Order of the Day for the resumption of the debate on the question, That the Council do not insist on their amendment to omit clause 18 and agree to the proviso inserted by the Assembly in the said clause, and on the proposed amendment to add the following words to the motion:—" with the following amendment, viz.:—At the end of the proviso add 'and if such person refuses to do so he shall forfeit his right to any payment for that week' but make the following amendments in the clause, viz.:—

Page 8, line 7, after 'rates' insert 'per hour';
,, 10, line 12, omit 'fifty' and insert 'twenty-five'";

having been read—

Debate resumed.

The Honorable H. I. Cohen, by leave, proposed the following amendment in substitution for amendment previously proposed:—

That the following words be added to the motion:—" with the following amendment, viz.:—At the end of the proviso add 'and if such person refuses to do so he shall forfeit his right to any payment for that week unless his refusal is caused by his illness, inability, or some other sufficient cause beyond his control' but make the following amendments in the clause, viz.:—

Page 8, line 7, after 'rates' insert 'per hour or per week';
,, 10, line 12, omit 'with the addition of' and insert 'with an addition to be fixed by the wages board for the particular trade of not less than thirty-three per centum and not exceeding'".

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

Question—That the Council do not insist on their amendment to omit clause 18 and agree to the proviso inserted by the Assembly in the said clause with the following amendment, viz.:—At the end of the proviso add " and if such person refuses to do so he shall forfeit his right to any payment for that week unless his refusal is caused by his illness, inability, or some other sufficient cause beyond his control" but make the following amendments in the clause, viz.:—

Page 8, line 7, after " rates " insert " per hour or per week ";
,, 10, line 12, omit " with the addition of " and insert " with an addition to be fixed by the wages board for the particular trade of not less than thirty-three per centum and not exceeding "—put and resolved in the affirmative.

Amendment 3—Amendment of the Assembly in clause 19 agreed to.

Amendment 6—Amendment of the Council to insert new clause D, after debate, not insisted on.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council do not insist on their amendment to insert new clause D, agree to the amendment of the Assembly in clause 19, do not insist on their amendment to omit clause 18 and agree to the amendment of the Assembly in the said clause with an amendment but have made further amendments in the said clause, and desiring the concurrence of the Legislative Assembly therein.

26. North Melbourne Electric Tramways and Lighting Company Bill.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put was resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

27. Melbourne and Metropolitan Board of Works Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

28. State Savings Bank Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

29. Great Ocean Road (Lands Exchange) Bill.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

30. Trustees Investments Bill.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

31. Message from His Excellency the Governor.—The Honorable A. Robinson presented a Message from His Excellency the Governor informing the Council that he had given the Royal Assent to the undermentioned Bills, viz.:—

Boorhaman Land Bill.
Daylesford Land Bill.
Land Tax Bill.
Stamps Bill.
Income Tax Bill.
Real Estate Agents Bill.
Workers' Compensation Bill.
Constitution Act Amendment Bill.
Betting Tax Bill.
Korumburra Silkstone and Strezlecki Railway Bill.
Jeparit Land Bill.
Kew Land Bill.
Brunswick Lands Sale Bill.
Drainage Areas Bill.
Sewerage Districts Bill.
Milk Supply Bill.
Railways (Board of Discipline) Bill.
Audit Bill.
Mildura Vineyards Protection Bill.

32. Postponement of Orders of the Day.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 5 and 6, and Orders of the Day, General Business, Nos. 1 to 4 inclusive, be postponed until after Order of the Day, General Business, No. 5.

33. Wyndham Race-course Bill.—The Honorable A. A. Austin moved, by leave, That all the Standing Orders relating to Private Bills be suspended in relation to this Bill, and that the Bill be treated as a Public Bill.
Question—put and resolved in the affirmative.
The Honorable A. A. Austin moved, That this Bill be now read a second time.
Debate ensued.
Question—put.
The Council divided.

Ayes, 12.	Noes, 10.
The Hon. R. H. S. Abbott,	The Hon. F. G. Clarke,
W. Angliss,	W. H. Edgar,
A. A. Austin,	H. Keck,
W. J. Beckett,	M. McGregor,
J. H. Disney,	J. K. Merritt,
Dr. J. R. Harris,	H. F. Richardson,
J. P. Jones,	A. Robinson,
E. L. Kiernan,	W. Tyner.
J. Sternberg,	
R. Williams.	*Tellers.*
	The Hon. E. G. Bath,
Tellers.	A. E. Chandler.
The Hon. D. L. McNamara,	
H. H. Smith.	

And so it was resolved in the affirmative—Bill read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report.

The Honorable A. A. Austin moved, That the Bill be now read a third time.
Question—put
The Council divided.

Ayes, 10.	Noes, 11.
The Hon. R. H. S. Abbott,	The Hon E. G. Bath,
W. Angliss,	A. E. Chandler,
A. A. Austin,	F. G. Clarke,
W. J. Beckett,	W. H. Edgar,
Dr. J. R. Harris,	M. McGregor,
E. L. Kiernan,	J. K. Merritt,
D L McNamara,	H. F. Richardson,
R. Williams.	A. Robinson,
	J. Sternberg.
Tellers.	
The Hon. J. H. Disney,	*Tellers.*
H. H. Smith.	The Hon. H. Keck,
	W. Tyner.

And so it passed in the negative.

34. Message from His Excellency the Governor.—The Honorable A. Robinson presented a Message from His Excellency the Governor informing the Council that he had reserved for the signification of His Majesty's pleasure thereon the undermentioned Bill, viz. :—

Imperial Acts Application Bill.

35. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council on the amendment made by the Assembly in clause 18 of the *Factories and Shops Bill* and have agreed to the further amendments made by the Council in the said clause.

36. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Closer Settlement Acts and the Discharged Soldiers Settlement Acts and for other purposes*" and desiring the concurrence of the Council therein.

37. Closer Settlement Bill.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, was read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

38. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to make further provision with respect to Developmental Roads*" and desiring the concurrence of the Council therein.

39. Developmental Roads Bill.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

40. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend section Forty-four of the 'Health Act* 1919'" and desiring the concurrence of the Council therein.

41. Health Bill.—On the motion of the Honorable J. K. Merritt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

42. Developmental Roads Bill.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

43. Message from the Legislative Assembly.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act relating to Leases of certain Lands vested in the Melbourne Harbor Trust Commissioners or the Geelong Harbor Trust Commissioners*" and desiring the concurrence of the Council therein.

44. MELBOURNE AND GEELONG HARBOR TRUSTS (LEASING POWERS) BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

45. HEALTH BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

46. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Exchange of certain pieces of Land vested in the Melbourne Harbor Trust Commissioners for certain other pieces of Land in which the Mount Lyell Mining and Railway Company Limited the Vacuum Oil Company Proprietary Limited and Cuming Smith and Company Proprietary Limited are the respective registered proprietors of an Estate in Fee Simple under the provisions of the Transfer of Land Acts and for other purposes*" and desiring the concurrence of the Council therein.

47. MELBOURNE HARBOR TRUST (EXCHANGE OF LANDS) BILL.—On the motion of the Honorable F. G. Clarke, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time later this day.

48. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in the *Masseurs Registration Bill.*

And the Council having continued to sit till after Twelve of the Clock—

SATURDAY, 16TH DECEMBER.

49. MELBOURNE AND GEELONG HARBOR TRUSTS (LEASING POWERS) BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

50. MELBOURNE HARBOR TRUST (EXCHANGE OF LANDS) BILL.—This Bill was, according to Order and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

51. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the thirtieth day of June One thousand nine hundred and twenty-three and to appropriate the Supplies granted in this Session of Parliament*" and desiring the concurrence of the Council therein.

52. APPROPRIATION BILL.—On the motion of the Honorable A. Robinson, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, was read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable W. H. Edgar having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was, after debate, read a third time and passed.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same without amendment.

53. MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of Messages from the Assembly acquainting the Council—

That they have agreed to the amendments made by the Council in the *Licensing Bill.*

That they do not insist on disagreeing with the amendments made and insisted on by the Council in the *Hospitals and Charities Bill.*

54. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly returning the *Police Offences Bill* and acquainting the Council that they have agreed to the same with amendments, and desiring the concurrence of the Council therein.

54A. POLICE OFFENCES BILL.—The said amendments were read and are as follow :—

Clause 5, sub-section (1), lines 35–36, omit " or is suggestive of indecency ".
Clause 5, sub-section (1), line 37, omit " expressions " and insert " expression ".
Clause 5, sub-section (1), line 38, omit " and suggestive of indecency ".
Clause 5, page 4, sub-section (2), lines 9–10, omit " or is suggestive of indecency ".

On the motion of the Honorable A. Robinson, and after debate, the Council agreed to the amendments made in this Bill by the Assembly, and ordered the Bill to be returned to the Assembly with a Message acquainting them therewith.

55. MESSAGE FROM LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the *Trusts Bill* without amendment.

56. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of Orders of the Day, Government Business, Nos. 5 and 6, and Orders of the Day, General Business, Nos. 1 to 4 inclusive, be postponed until Tuesday, the 9th January next.

57. ADJOURNMENT.—The Honorable A. Robinson moved, by leave, That the Council at its rising adjourn until Tuesday, the 9th January next.

Question—put and resolved in the affirmative.

The Honorable A. Robinson moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at twenty-two minutes past three o'clock in the morning, adjourned until Tuesday the 9th January next.

R. W. V. McCALL,
Clerk of the Legislative Council.

The following Messages were received after the adjournment of the Council :—

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—Acquainting the Council that he had given the Royal Assent to the following Bills :—

Alexandra Park Bill.
Primary Products Advances Bill.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—Acquainting the Council—

That they have agreed to the *Metropolitan Town Planning Commission Bill* without amendment.
That they have agreed to the *Supreme Court Bill* without amendment.
That they have agreed to the amendment made by the Council in the *State Electricity Commission Bill.*
That they have agreed to the amendments made by the Council in the *Brands Bill.*
That they have agreed to the amendment made by the Council in the *Fire Escapes (Melbourne) Bill.*
That they have agreed to the *Libraries Bill* without amendment.
That they have agreed to the *Scaffolding Inspection Bill* without amendment.

By Authority : ALBERT J. MULLETT, Government Printer, Melbourne.

SESSION 1922.

QUESTIONS ASKED BY HONORABLE MEMBERS, AND REPLIES THERETO.

* Question asked without notice. † Notice of Question given but Question not asked.

QUESTIONS ASKED BY HONORABLE MEMBERS, AND REPLIES THERETO—*continued.*

BILLS ASSENTED TO AFTER THE FINAL ADJOURNMENT OF BOTH HOUSES OF PARLIAMENT AND BEFORE THE PROROGATION.

The following Bills were assented to by His Excellency the Governor on the dates mentioned hereunder, viz.:—

On the 16th December, 1922—

Alexandra Park
Primary Products Advances

On the 21st December, 1922—

Brands
Closer Settlement
Developmental Roads
Electricity Supply Loan
Factories and Shops
Fire Escapes (Melbourne)
Great Ocean Road (Lands Exchange)
Health
Hopetoun to Patchewollock Railway Construction
Hospitals and Charities
Libraries
Licensing
Masseurs Registration
Melbourne and Geelong Harbor Trusts (Leasing Powers)
Melbourne and Metropolitan Board of Works
Melbourne Harbor Trust (Exchange of Lands)
Melbourne to West Brunswick Tramway Construction
Metropolitan Fire Brigades Board Loan
Metropolitan Town Planning Commission
Municipal Rates Recovery.
North Melbourne Electric Tramways and Lighting Company
Police Offences
Public Accounts Committee
Richmond to Prahran Tramway Construction
Scaffolding Inspection
South Melbourne Land
South Melbourne Land (Street Closing)
State Electricity Commission
State Electricity Commission (Funds and Accounts)
State Savings Bank
Supreme Court
Tourists Resorts
Trustees Investments
Trusts
University (Veterinary School)
Victorian Government Loan
Victorian Loan (Public Works)

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VICTORIA
GOVERNMENT GAZETTE.

Published by Authority.

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No. 1.] FRIDAY, JANUARY 5. [1923.

PROROGUING THE PARLIAMENT OF VICTORIA.

PROCLAMATION

By His Excellency Colonel the Right Honorable George Edward John Mowbray, Earl of Stradbroke, K.C.M.G., C.B., C.V.O., C.B.E., Aide-de-Camp to His Majesty the King; Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

WHEREAS The Parliament of Victoria stands adjourned until Tuesday, the ninth day of January, 1923: Now I, the Governor of the State of Victoria, in the Commonwealth of Australia, do by this my Proclamation, prorogue the said Parliament of Victoria until Tuesday, the twentieth day of February, 1923.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this fifth day of January, in the year of our Lord One thousand nine hundred and twenty-three, and in the thirteenth year of the reign of His Majesty King George V.

STRADBROKE.

(L.S.)

By His Excellency's Command,

H. S. W. LAWSON.

GOD SAVE THE KING!

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SELECT COMMITTEES.

PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS (JOINT).

(SEE ACT No. 2717).

The Hon. G. L. Goudie
(Appointed 24th October, 1922, in place of the Hon. W. Kendell, deceased.)

The Hon. H. F. Richardson
(Appointed 4th July, 1922.)

APPOINTED DURING THE SESSION 1922.

No. 1.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 4th July, 1922.

The Hon. A. A. Austin
A. Bell
A. E. Chandler
H. I. Cohen
The Hon. J. H. Disney
W. H. Edgar
H. Keck.

No. 2.—ADDRESS IN REPLY TO HIS EXCELLENCY THE GOVERNOR'S SPEECH.

Appointed 4th July, 1922.

The Hon. E. G. Bath
W. Tyner
R. H. S. Abbott
H. Keck
The Hon. M. McGregor
H. H. Smith
R. Williams.

No. 3.—STANDING ORDERS.

Appointed 11th July, 1922.

The Hon. the President
A. A. Austin
F. W. Brawn
F. G. Clarke
H. I. Cohen
The Hon. W. H. Edgar
J. P. Jones
T. H. Payne
A. Robinson
J. Sternberg.

No. 4.—HOUSE (JOINT).

Appointed 11th July, 1922.

(*See Act No.* 3176, s. 2.)

The Hon. the President (*ex officio*)
W. Angliss
A. Bell
The Hon. A. E. Chandler*
G. M. Davis
D. L. McNamara.

* Appointed 25th October, 1922, in place of the Hon. W. Kendell, deceased.

No. 5.—LIBRARY (JOINT).

Appointed 11th July, 1922.

The Hon. the President
W. J. Beckett
T. Beggs
The Hon. W. L. R. Clarke
E. J. White.

No. 6.—PRINTING.

Appointed 11th July, 1922.

The Hon. the President
R. H. S. Abbott
A. E. Chandler
W. P. Crockett
J. H. Disney
The Hon. Dr. J. R. Harris
H. Keck
E. L. Kiernan
M. McGregor
H. H. Smith.

No. 7.—STATUTE LAW REVISION (JOINT).

Appointed 11th July, 1922.

The Hon. H. I. Cohen
W. H. Edgar
G. L. Goudie
The Hon. J. P. Jones
H. F. Richardson
A. Robinson.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1922.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

WEDNESDAY, 23RD AUGUST, 1922.

No. 1.—FACTORIES AND SHOPS (FRUIT SHOPS) BILL—Clause 2—

2. Regulations under sub-section (2) of section eighty-four of the *Factories and Shops Act* 1915 shall not apply to fruit shops in the area enclosed by Flinders-street, Spencer-street, Latrobe-street, Victoria-street, and Spring-street in the city of Melbourne.

Motion made and question put—That Clause 2 stand part of the Bill.—(*Hon. F. G. Clarke.*)

Committee divided.

Ayes, 17.	Noes, 6.
The Hon. W. Angliss,	The Hon. J. H. Disney,
T. Beggs,	J. P. Jones,
F. G. Clarke,	E. L. Kiernan,
W. L. R. Clarke,	D. L. McNamara.
H. I. Cohen,	
W. P. Crockett,	
G. L. Goudie,	
Dr. J. R. Harris,	
H. Keck,	
W. Kendell,	
J. K. Merritt,	
H. F. Richardson,	
A. Robinson,	
J. Sternberg,	
E. J. White.	
Tellers.	*Tellers.*
The Hon. E. G. Bath,	The Hon. W. J. Beckett,
H. H. Smith.	R. Williams.

And so it was resolved in the affirmative.

By Authority: ALBERT J MULLETT, Government Printer, Melbourne.

6959. (140 copies.)

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1922.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

TUESDAY, 3RD OCTOBER, 1922.

No. 1.—MARRIAGE BILL—Proposed new clause B—

B. (1) Where the ground of any petition for judicial separation or dissolution of marriage is the lunacy or unsoundness of mind of the respondent as provided by section one hundred and eleven or section one hundred and twenty-two (as the case may be) of the Principal Act as amended by the *Divorce (Insanity) Act* 1919, the court may, if it thinks fit, on any decree for judicial separation or dissolution of marriage on the ground aforesaid, make an order on the husband for payment to the wife during their joint lives of such monthly or weekly sum for her maintenance and support as the court thinks reasonable; and any such order may be made either in addition to or instead of an order under section one hundred and forty-two of the Principal Act:

Provided that—

(*a*) if the husband afterwards from any cause becomes unable to make such payments it shall be lawful for the court to discharge or modify the order or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the order wholly or in part as the court thinks fit; and

(*b*) where the court has made any such order as is mentioned in this section and the court is satisfied that the means of the husband have increased the court may, if it thinks fit, increase the amount payable under the order.

(2) In the case of any decree for judicial separation or dissolution of marriage on the ground aforesaid made before the commencement of this Act, the court shall be deemed to have had power to exercise the jurisdiction conferred by this section.—(*Hon. A. Robinson.*)

Amendment proposed—That sub-clause (1) of the proposed new clause be omitted with the view of inserting the following sub-clause in lieu thereof:—

"(1) Section one hundred and forty-two of the Principal Act is hereby amended as follows:—

(*a*) After the word 'dissolution' wherever occurring there shall be inserted the words 'or nullity'.

(*b*) At the end of the said section there shall be inserted the following sub-section:—

'(2) In any such case the court may, if it thinks fit, make an order on the husband for payment to the wife during their joint lives of such monthly or weekly sums for her maintenance and support as the court thinks reasonable; and any such order may be made either in addition to or instead of an order under the last preceding sub-section:

Provided always that—

(a) if the husband afterwards from any cause becomes unable to make such payments it shall be lawful for the Court to discharge or modify the order or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the order wholly or in part as to the Court may seem fit;

(b) if the wife marries again or if there is any other just cause for so doing the Court may on proof of that fact discharge the said order, or if there have been or are infant children in her custody may vary the same; and

(c) where the Court has made any such order as is mentioned in this section and the Court is satisfied that the means of the husband have increased the Court may, if it thinks fit, increase the amount payable under the order'."—(*Hon. H. I. Cohen.*)

Question—That sub-clause (1) proposed to be omitted stand part of the proposed new clause—put.

Committee divided.

Ayes, 13.	Noes, 7.
The Hon. W. J. Beckett,	The Hon. H. I. Cohen,
A. Bell,	J. H. Disney,
F. G. Clarke,	E. L. Kiernan,
W. L. R. Clarke,	D. L. McNamara,
W. P. Crockett,	J. Sternberg.
G. L. Goudie,	
Dr. J. R. Harris,	*Tellers.*
J. P. Jones,	The Hon. R. H. S. Abbott,
J. K. Merritt,	R. Williams.
A. Robinson,	
H. H. Smith.	
Tellers.	
The Hon. A. E. Chandler,	
W. Tyner.	

And so it was resolved in the affirmative.

WEDNESDAY, 4TH OCTOBER.

No. 2.—SCAFFOLDING INSPECTION BILL.—Clause 3—

3. In this Act unless inconsistent with the context or subject-matter—

"Gear" includes ladder plank rope fastening hoist-block pulley hanger sling brace or other movable contrivance of a like kind.

"Inspector" means any inspector appointed under this Act and includes the Chief Inspector of Factories and Shops and the Assistant Chief Inspector of Factories and Shops.

* * * * * *

—(*Hon. F. G. Clarke.*)

Amendment proposed—That all the words after "'Inspector' means" be omitted with the view of inserting the following words in lieu thereof: "the municipal surveyor or other officer appointed by any municipality for the purpose of inspecting scaffolding under this Act."—(*Hon. H. H. Smith.*)

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

Committee divided.

Ayes, 6.	Noes, 11.
The Hon. W. J. Beckett,	The Hon. A. E. Chandler,
J. P. Jones,	F. G. Clarke,
D. L. McNamara,	H. I. Cohen,
R. Williams.	G. L. Goudie,
	Dr. J. R. Harris,
Tellers.	J. K. Merritt,
The Hon. J. H. Disney,	A. Robinson,
E. L. Kiernan.	H. H. Smith,
	W. Tyner.
	Tellers.
	The Hon. W. L. R. Clarke,
	W. P. Crockett.

And so it passed in the negative.

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1922.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

TUESDAY, 10TH OCTOBER, 1922.

No. 1.—VERMIN AND NOXIOUS WEEDS BILL—Clause 1—

1. (1) This Act may be cited as the *Vermin and Noxious Weeds Act* 1922.

(2) Save as otherwise expressly provided this Act shall come into operation on a day to be fixed by proclamation (hereinafter referred to as the commencement of this Act).

—(*Hon. F. G. Clarke.*)

Amendment proposed—That the words "(hereinafter referred to as the commencement of this Act)" be omitted.—(*Hon. H. I. Cohen.*)

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

Committee divided.

Ayes, 11.	Noes, 11.
The Hon. A. A. Austin,	The Hon. R. H. S. Abbott,
A. Bell,	H. I. Cohen,
A. E. Chandler,	W. P. Crockett,
F. G. Clarke,	G. L. Goudie,
W. Kendell,	Dr. J. R. Harris,
H. F. Richardson,	J. P. Jones,
A. Robinson,	E. L. Kiernan,
H. H. Smith,	D. L. McNamara,
W. Tyner.	R. Williams.
Tellers.	*Tellers.*
The Hon. E. G. Bath,	The Hon. W. J. Beckett,
F. W. Brawn.	J. H. Disney.

The Tellers having declared the numbers for the "Ayes" and for the "Noes" to be respectively eleven or equal, the Chairman gave his voice with the "Ayes" in order to allow of further consideration of the subject, and declared the question to have been resolved in the affirmative.

No. 2.—VERMIN AND NOXIOUS WEEDS BILL—Clause 5—

5. It shall be the duty of the following corporations, namely: the Board of Land and Works, the Victorian Railways Commissioners, the State Rivers and Water Supply Commission, the Country Roads Board, the Closer Settlement Board, the Forests Commission, and the State Electricity Commission of Victoria respectively from time to time—

(*a*) to destroy all vermin on all lands vested in or occupied controlled or managed by them respectively (other than so much of such lands as is held or occupied by any other person under lease or licence granted by any such corporation); and

(*b*) to destroy and suppress all noxious weeds on such lands:

Provided that this section shall not be taken to impose any duty on the State Rivers and Water Supply Commission in respect of lands not situate in any irrigation and water supply district or on the Country Roads Board in respect of any main road; and where the Minister after a report by the Superintendent is satisfied that the destruction and suppression of noxious weeds on the whole of any lands aforesaid would entail an unreasonable expenditure by any corporation aforesaid he may from time to time limit the performance of the duty imposed by this section to such portion or portions of such lands as he determines to be reasonable in order to prevent the spread of noxious weeds from such lands. —(*Hon. F. G. Clarke.*)

Amendment proposed—That the proviso be omitted.—(*Hon. Dr. J. R. Harris.*)

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

Committee divided.

Ayes, 8.	Noes, 14.
The Hon. W. Angliss,	The Hon. E. G. Bath,
F. W. Brawn,	W. J. Beckett,
F. G. Clarke,	A. Bell,
J. K. Merritt,	A. E. Chandler,
H. F. Richardson,	H. I. Cohen,
A. Robinson.	W. P. Crockett,
	G. L. Goudie,
Tellers.	Dr. J. R. Harris,
The Hon. W. L. R. Clarke,	W. Kendell,
H. H. Smith.	D. L. McNamara,
	W. Tyner,
	R. Williams.
	Tellers.
	The Hon. R. H. S. Abbott,
	J. H. Disney.

And so it passed in the negative.

No. 3.—VERMIN AND NOXIOUS WEEDS BILL—Clause 5 (*as amended*)—

5. It shall be the duty of the following corporations namely: the Board of Land and Works, the Victorian Railways Commissioners, the State Rivers and Water Supply Commission, the Country Roads Board, the Closer Settlement Board, the Forests Commission, and the State Electricity Commission of Victoria respectively from time to time—

(*a*) to destroy all vermin on all lands vested in or occupied controlled or managed by them respectively (other than so much of such lands as is held or occupied by any other person under lease or licence granted by any such corporation); and

(*b*) to destroy and suppress all noxious weeds on such lands. —(*Hon. F. G. Clarke.*)

Amendment proposed—That the following new sub-clauses be inserted in place of the proviso omitted:—

"(2) When the Superintendent finds that noxious weeds are growing or are upon any of the lands aforesaid of any of the corporations aforesaid he may give notice in the prescribed form to the corporation requiring it—

(*a*) forthwith to effectually destroy and suppress all noxious weeds growing or being upon such land; and

(*b*) to keep such land clear and free of all noxious weeds for six months after the service of the notice.

(3) If after fourteen days from the date of service of the said notice on the corporation the corporation has in the opinion of the Superintendent not complied with the requirements thereof the Superintendent—

(*a*) may enter on the land to which the notice relates; and

(*b*) may use or cause to be used all such means and take or cause to be taken all such measures to destroy and suppress the noxious weeds growing or being upon the land as are deemed by the Superintendent to be effective or sufficient for the protection of the adjoining or adjacent lands."

—(*Hon. Dr. J. R. Harris.*)

Question—That the sub-clauses proposed to be inserted be so inserted—put.
Committee divided.

Ayes, 12.

The Hon. R. H. S. Abbott,
W. J. Beckett,
A. Bell,
A. E. Chandler,
W. P. Crockett,
G. L. Goudie,
Dr. J. R. Harris,
W. Kendell,
W. Tyner,
R. Williams.

Tellers.

The Hon. E. G. Bath,
D. L. McNamara.

Noes, 10.

The Hon. F. W. Brawn,
F. G. Clarke,
W. L. R. Clarke,
H. I. Cohen,
J. H Disney,
J. K. Merritt,
A. Robinson,
H. H. Smith.

Tellers.

The Hon. W. Angliss,
H. F. Richardson.

And so it was resolved in the affirmative.

WEDNESDAY, 11TH OCTOBER.

No. 4.—ALDERMEN ABOLITION BILL.—

Motion made and question put—That the Chairman do report progress and ask leave to sit again.
Committee divided.

Ayes, 7.

The Hon. E. G. Bath,
H. I. Cohen,
W. Kendell,
J. K. Merritt,
H. H. Smith.

Tellers.

The Hon. W. L. R. Clarke,
W. Tyner.

Noes, 12.

The Hon. W. J. Beckett,
A. Bell,
J. H. Disney,
G. L. Goudie,
Dr. J. R. Harris,
J. P. Jones,
E. L. Kiernan,
D. L. McNamara,
H. F. Richardson,
A. Robinson.

Tellers.

The Hon. W. P. Crockett,
R. Williams.

And so it passed in the negative.

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1922.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

TUESDAY, 31ST OCTOBER, 1922.

No. 1—RATING ON UNIMPROVED VALUES BILL.—Proposed new clause C—

C. In the case of every municipality in which this Act has been adopted and so long as the adoption remains unrescinded the unimproved capital value of any land being rateable property used exclusively for a school registered under Part VI. of the *Education Act* 1915 shall notwithstanding anything in this Act be deemed and taken for the purposes of this Act to be an amount equal to the unimproved capital value of that portion only of the land on which there are buildings used exclusively for the purposes of the school (including any buildings used for the accommodation of pupils or of members of the staff of the school).—(*Hon. F. G. Clarke.*).

Motion made and question put—That new clause C be added to the Bill.

Committee divided.

Ayes, 12.	Noes, 12.
The Hon. W. J. Beckett,	The Hon. R. H S. Abbott,
F. G. Clarke,	W. Angliss,
H. I. Cohen,	A. A. Austin,
J. H. Disney,	A. E. Chandler,
J. P. Jones,	W. L. R. Clarke,
E. L. Kiernan,	W. P. Crockett,
D. L. McNamara,	G. L. Goudie,
J. K. Merritt,	M. McGregor,
A. Robinson,	H. F. Richardson,
J. Sternberg.	H. H. Smith.
Tellers.	*Tellers.*
The Hon. A. Bell,	The Hon. H. Keck,
R. Williams.	W. Tyner.

The Tellers having declared the numbers for the "Ayes" and for the "Noes" to be respectively twelve or equal, the Chairman gave his voice with the "Noes" in order to allow of further consideration of the subject, and declared the question to have passed in the negative.

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.

6959.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1922.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 5.

Extracted from the Minutes.

TUESDAY, 14TH NOVEMBER, 1922.

No. 1.—MUNICIPAL RATES RECOVERY BILL.—

Motion made and question put—That the Chairman do report progress and ask leave to sit again—(*Hon. F. G. Clarke*).

Committee divided.

Ayes, 16.

The Hon. A. A. Austin,
F. G. Clarke,
W. L. R. Clarke,
H. I. Cohen,
W. P. Crockett,
G. L. Goudie,
Dr. J. R. Harris,
H. Keck,
J. K. Merritt,
H. F. Richardson,
A. Robinson,
H. H. Smith,
J. Sternberg,
W. Tyner.

Tellers.

The Hon. E. G. Bath,
M. McGregor.

Noes, 4.

The Hon. J. H. Disney,
R. Williams.

Tellers.

The Hon. R. H. S. Abbott
E. L. Kiernan.

And so it was resolved in the affirmative.

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne

6959.

VICTORIA

LEGISLATIVE COUNCIL.

SESSION 1922.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 6.

Extracted from the Minutes.

WEDNESDAY, 22ND NOVEMBER, 1922.

No. 1.—JURIES BILL—Clause 3—

3. (1) In section seventeen of the Principal Act for the words "five miles" there shall be substituted the words "seven miles."

* * * * * * * *

—(*Hon. A. Robinson*).

Amendment proposed—That the word "seven" be omitted with the view of inserting in lieu thereof the word "nine"—(*Hon. J. P. Jones*).

Question—That the word proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 20.	Noes, 6.
The Hon. A. A. Austin,	The Hon. R. H. S. Abbott,
A. Bell,	J. H. Disney,
F. W. Brawn,	J. P. Jones,
A. E. Chandler,	E. L. Kiernan.
F. G. Clarke,	
W. L. R. Clarke,	*Tellers.*
H. I. Cohen,	The Hon. E. G. Bath,
W. P. Crockett,	W. J. Beckett.
G. L. Goudie,	
Dr. J. R. Harris,	
H. Keck,	
M. McGregor,	
J. K. Merritt,	
H. F. Richardson,	
A. Robinson,	
H. H. Smith,	
J. Sternberg,	
W. Tyner.	
Tellers.	
The Hon. E. J. White,	
A. M. Zwar.	

And so it was resolved in the affirmative.

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.

6959.

VICTORIA

LEGISLATIVE COUNCIL.

SESSION 1922.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 7.

Extracted from the Minutes.

TUESDAY, 28TH NOVEMBER, 1922.

No. 1.—HOSPITALS AND CHARITIES BILL—Clause 9—

9. (1) For the purposes of this Act there shall be a Board to be constituted as hereinafter provided to be called the Charities Board of Victoria.

(2) The Board shall consist of fourteen members appointed by the Governor in Council as follows :—

(*a*) Four persons nominated by the body known as the Metropolitan Hospitals Association one at least of whom shall be a legally qualified medical practitioner :

(*b*) Four persons nominated by the body known as the Country Hospitals Association one at least of whom shall be a legally qualified medical practitioner ;

* * * * * *

—(*Hon. A. Robinson*).

Amendment proposed—That paragraph (*b*) of sub-clause (2) be omitted—(*Hon. H. F. Richardson*).

Question—That paragraph (*b*) proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 11.	Noes, 12.
The Hon. A. Bell,	The Hon. R. H. S. Abbott,
F. W. Brawn,	W. J. Beckett,
A. E. Chandler,	W. P. Crockett,
F. G. Clarke,	J. H. Disney,
W. L. R. Clarke,	Dr. J. R. Harris,
M. McGregor,	J. P. Jones,
J. K. Merritt,	D. L. McNamara,
A. Robinson,	H. F. Richardson,
J. Sternberg.	R. Williams,
	A. M. Zwar.
Tellers.	*Tellers.*
The Hon. G. L. Goudie,	The Hon. E. L. Kiernan,
W. Tyner.	H. H. Smith.

And so it passed in the negative.

No. 2.—MILK SUPPLY BILL—Clause 5—

5. The council of any municipality to the municipal district of which or any part thereof this Part applies or any number of such councils acting together by agreement may—

(*a*) establish milk depôts whether within or without the municipal district of any such municipality;
(*b*) treat milk at any such depôt;
(*c*) buy milk for treatment at any such depôt;
(*d*) manufacture ice at any such depôt;
(*e*) sell (whether by wholesale or retail) at such depôt or sell by wholesale and deliver to dairies or factories licensed under the Dairy Supervision Acts milk bought by any such council and treated at any such depôt or ice manufactured at any such depôt;

* * * * * *

—(*Hon. A. Robinson*).

Amendment proposed—That the words "or elsewhere" be inserted at the end of paragraph (*e*).
—(*Hon. J. P. Jones.*)

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

Committee divided.

Ayes, 7.	Noes, 12.
The Hon. R. H. S. Abbott,	The Hon. W. Angliss,
H. I. Cohen,	A. Bell,
Dr. J. R. Harris,	F. G. Clarke,
J. P. Jones,	G. L. Goudie,
E. L. Kiernan.	M. McGregor,
	J. K. Merritt,
Tellers.	A. Robinson,
The Hon. W. J. Beckett,	H. H. Smith,
J. H. Disney.	J. Sternberg,
	W. Tyner.
	Tellers.
	The Hon. F. W. Brawn,
	W. L. R. Clarke

And so it passed in the negative.

WEDNESDAY, 29TH NOVEMBER.

No. 3.—HOSPITALS AND CHARITIES BILL—Clause 41—

41. (1) The Minister may (out of moneys to be provided by Parliament for the purpose but not out of the Fund) establish and maintain intermediate hospitals; and any such intermediate hospital shall be controlled and managed as prescribed by regulations.

* * * * * * *

—(*Hon. A. Robinson.*)

Amendment proposed—That sub-clause (1) be omitted.—(*Hon. J. P. Jones.*)

Question—That sub-clause (1) proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 12.	Noes, 13.
The Hon. A. Bell,	The Hon. R. H. S. Abbott,
F. G. Clarke,	W. Angliss,
H. I. Cohen,	W. J. Beckett,
W. P. Crockett,	W. L. R. Clarke,
J. K. Merritt,	J. H. Disney,
H. F. Richardson,	Dr. J. R. Harris,
A. Robinson,	J. P. Jones,
J. Sternberg,	E. L. Kiernan,
W. Tyner,	D. L. McNamara,
A. M. Zwar.	H. H. Smith,
	R. Williams.
Tellers.	*Tellers.*
The Hon. H. Keck,	The Hon. T. Beggs,
M. McGregor.	G. L. Goudie.

And so it passed in the negative.

No. 4.—Hospitals and Charities Bill—Clause 41, sub-clause (3)—

[*Sub-clauses* (1) *and* (2) *had been omitted.*]

(3) The committee of any institution outside the metropolis may with the approval of the Board set apart and maintain any part of such institution or any ward in such institution for the reception of patients on payment being made in accordance with such inclusive charge or such fixed scale of charges as is prescribed.

—(*Hon. A. Robinson.*)

Amendment proposed—That sub-clause (3) be omitted.—(*Hon. Dr. J. R. Harris.*)

Question—That sub-clause (3) proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 9.	Noes, 16.
The Hon. W. Angliss,	The Hon. W. J. Beckett,
A. Bell,	T. Beggs,
H. I. Cohen,	F. G. Clarke,
H. Keck,	W. L. R. Clarke,
H. F. Richardson,	J. H. Disney,
J. Sternberg,	G. L. Goudie,
A. M. Zwar.	Dr. J. R. Harris,
	J. P. Jones,
Tellers.	E. L. Kiernan,
The Hon. R. H. S. Abbott,	M. McGregor,
W. P. Crockett.	D. L. McNamara,
	J. K. Merritt,
	A. Robinson,
	R. Williams.
	Tellers.
	The Hon. H. H. Smith,
	W. Tyner.

And so it passed in the negative.

No. 5.—Hospitals and Charities Bill—

Motion made and question put—That the Chairman do report progress and ask leave to sit again.

—(*Hon. A. Bell.*)

Committee divided.

Ayes, 13.	Noes, 9.
The Hon. R. H. S. Abbott,	The Hon. T. Beggs,
W. Angliss,	F. G. Clarke,
W. J. Beckett,	M. McGregor,
A. Bell,	J. K. Merritt,
W. L. R. Clarke,	A. Robinson,
H. I. Cohen,	J. Sternberg,
W. P. Crockett,	W. Tyner.
J. P. Jones,	
H. H. Smith,	*Tellers.*
R. Williams,	The Hon. Dr. J. R. Harris,
A. M. Zwar.	H. Keck.
Tellers.	
The Hon. J. H. Disney,	
H. F. Richardson.	

And so it was resolved in the affirmative.

THURSDAY, 30th NOVEMBER.

No. 6.—Hospitals and Charities Bill—Clause 5—

5. There shall be exempted from the operation of this Act—

* * * * * * *

—(*Hon. A. Robinson.*)

Amendment proposed—That the following new paragraph be added to the clause :—

"( ) any institution situate outside of the metropolis".—(*Hon. H. F. Richardson.*)

Question—That the paragraph proposed to be added be so added—put.

Committee divided.

Ayes, 9.	Noes, 12.
The Hon. W. J. Beckett,	The Hon. T. Beggs,
W. P. Crockett,	A. Bell,
J. H. Disney,	F. G. Clarke,
J. P. Jones,	H. I. Cohen,
D. L. McNamara,	Dr. J. R. Harris,
H. H. Smith,	H. Keck,
A. M. Zwar.	E. L. Kiernan,
	J. K. Merritt,
Tellers.	A. Robinson,
The Hon. W. L. R. Clarke,	W. Tyner.
R. Williams.	*Tellers.*
	The Hon. A. E. Chandler,
	G. L. Goudie.

And so it passed in the negative.

No. 7.—Hospitals and Charities Bill—Clause 13—

13. (1) The Board shall elect one of its members to be chairman thereof annually or whenever a vacancy occurs.

(2) The chairman shall be entitled to hold office for one year unless he sooner ceases to hold such office or to be a member of the Board; and shall be elected alternately from members who represent metropolitan and country interests respectively.

* * * * * * *

—(*Hon. A. Robinson.*)

Amendment proposed—That sub-clause (2) be omitted.—(*Hon. E. L. Kiernan.*)

Question—That sub-clause (2) proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 20.	Noes, 3.
The Hon. W. J. Beckett,	The Hon. W. Angliss.
T. Beggs,	
A. Bell,	*Tellers.*
A. E. Chandler,	The Hon. H. I. Cohen,
F. G. Clarke,	E. L. Kiernan.
W. L. R. Clarke,	
W. P. Crockett,	
J. H. Disney,	
G. L. Goudie,	
Dr. J. R. Harris,	
J. P. Jones,	
H. Keck,	
D. L. McNamara,	
J. K. Merritt,	
H. F. Richardson,	
A. Robinson,	
R. Williams,	
A. M Zwar.	
Tellers.	
The Hon. H. H. Smith,	
W. Tyner.	

And so it was resolved in the affirmative.

By Authority: Albert J. Mullett, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1922.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 8.

Extracted from the Minutes

TUESDAY, 5TH DECEMBER, 1922.

No. 1.—WORKERS COMPENSATION BILL—Clause 4—

4. Notwithstanding anything in the Workers' Compensation Acts or any law where—

(a) any person (in this section referred to as "the principal") in the course of or for the purposes of his trade or business enters into a contract with any other person or persons (in this section referred to as "the contractor") under which the contractor agrees—

(i) to fell trees and deliver the timber obtained therefrom to the principal; or
(ii) to fell trees or cut scrub on land in the occupation of the principal; or
(iii) to clear such land of stumps or logs; and

(b) the contractor—

(i) neither enters into a sub-contract with other persons nor employs men at wages rates or on piecework prices with respect to the work agreed to be done; or
(ii) although so employing men at wages rates or on piecework prices actually performs any part of such work himself—

the contractor shall for the purposes of the Workers' Compensation Acts be deemed to be working under a contract of service with an employer and the principal shall for the said purposes be deemed to be an employer within the meaning of the said Acts. —(*Hon. A. Robinson*).

Question—That clause 4 stand part of the Bill—put.

Committee divided.

Ayes, 9.	Noes, 17.
The Hon. W. J. Beckett,	The Hon. R. H. S. Abbott,
F. G. Clarke,	W. Angliss,
J. P. Jones,	A. Bell,
E. L. Kiernan,	A. E. Chandler,
D. L. McNamara,	W. L. R. Clarke,
J. K. Merritt,	W. P. Crockett,
A. Robinson.	Dr. J. R. Harris,
	H. Keck,
Tellers.	M. McGregor,
The Hon. J. H. Disney,	H. F. Richardson,
R. Williams.	H. H. Smith,
	J. Sternberg,
	W. Tyner,
	E. J. White,
	A. M. Zwar.
	Tellers.
	The Hon. A. A. Austin,
	E. G. Bath.

And so it passed in the negative.

No. 2.—Workers' Compensation Bill—Proposed new clause B—

B. The fifth Schedule to the Principal Act is hereby amended by inserting at the end thereof the following words :—

"Septic poisoning arising from the handling of fruit or fruit products or its sequelæ.

Any work involving the handling of fruit or fruit products".

—(*The Hon. D. L. McNamara.*)

Motion made and question put—That new clause B be added to the Bill.

Committee divided.

Ayes, 6.

The Hon. J. H. Disney,
E. L. Kiernan,
D. L. McNamara,
R. Williams.

Tellers.
The Hon. W. J. Beckett,
J. P. Jones.

Noes, 20.

The Hon. R. H. S. Abbott,
W. Angliss,
A. A. Austin,
E. G. Bath,
A. Bell,
A. E. Chandler,
F. G. Clarke,
W. L. R. Clarke,
Dr. J. R. Harris,
H. Keck,
M. McGregor,
J. K. Merritt,
H. F. Richardson,
A. Robinson,
H. H. Smith,
J. Sternberg,
W. Tyner,
E. J. White.

Tellers.
The Hon. W. P. Crockett,
A. M. Zwar.

And so it passed in the negative.

No. 3.—Milk Supply Bill—Clause 14—

14. (1) Every person who contravenes or fails to comply with any provisions of this Part or of any regulation shall be guilty of an offence against this Part.

(2) Where no penalty is specially provided for any offence against this Part any person guilty of such offence shall be liable to a penalty of not more than Fifty pounds and to a further penalty of not more than Five pounds for each day on which any such offence is continued after any conviction therefor.

* * * * * * * * * *

—(*Hon. A. Robinson*).

Amendment proposed—That the word "Fifty" in sub-clause (2) be omitted, with the view of inserting in lieu thereof the word "Ten".

—(*Hon. W. Angliss*).

Question—That the word "Fifty" proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 13.

The Hon. A. A. Austin,
W. J. Beckett,
F. G. Clarke,
J. H. Disney,
J. P. Jones,
E. L. Kiernan,
D. L. McNamara,
J. K. Merritt,
A. Robinson,
J. Sternberg,
R. Williams.

Tellers.
The Hon. W. L. R. Clarke,
M. McGregor.

Noes, 5.

The Hon. W. Angliss,
A. Bell,
Dr. J. R. Harris.

Tellers.
The Hon. R. H. S. Abbott,
H. Keck.

And so it was resolved in the affirmative.

WEDNESDAY, 6TH DECEMBER.

No. 4.—LICENSING BILL—Clause 1—

1. This Act may be cited as the *Licensing Act* 1922 and shall be read and construed as one with the *Licensing Act* 1915 (hereinafter called the Principal Act) and any Act amending the same all of which Acts and this Act may be cited together as the Licensing Acts. —(*Hon. A. Robinson*).

Question—That clause 1 stand part of the Bill—put.

Committee divided.

Ayes, 22.	Noes, 3.
The Hon. R. H. S. Abbott,	The Hon. W. Tyner.
W. Angliss,	*Tellers.*
A. A. Austin,	The Hon. E. G. Bath.
W. J. Beckett,	A. E. Chandler.
T. Beggs,	
A. Bell,	
F. G. Clarke,	
W. P. Crockett,	
J. H. Disney,	
G. L. Goudie,	
Dr. J. R. Harris,	
J. P. Jones,	
E. L. Kiernan,	
M. McGregor,	
D. L. McNamara,	
J. K. Merritt,	
A. Robinson,	
J. Sternberg,	
R. Williams,	
A. M. Zwar.	
Tellers.	
The Hon. H. Keck,	
H. H. Smith.	

And so it was resolved in the affirmative.

No. 5.—LICENSING BILL—

Motion made and question put—That the Chairman do report progress and ask leave to sit again. —(*Hon. A. E. Chandler*).

Committee divided.

Ayes, 4.	Noes, 21.
The Hon. A. E. Chandler,	The Hon. R. H. S. Abbott,
W. Tyner.	A. A. Austin,
Tellers.	W. J. Beckett,
The Hon. W. Angliss,	T. Beggs,
E. G. Bath.	A. Bell,
	F. G. Clarke,
	J. H. Disney,
	G. L. Goudie,
	J. P. Jones,
	H. Keck,
	E. L. Kiernan,
	M. McGregor,
	D. L. McNamara,
	J. K. Merritt,
	A. Robinson,
	H. H. Smith,
	J. Sternberg,
	R. Williams,
	A. M. Zwar.
	Tellers.
	The Hon. W. P. Crockett,
	Dr. J. R. Harris.

And so it passed in the negative.

No. 6.—LICENSING BILL.—Clause 27—

27. For section two hundred and ninety-five of the Principal Act there shall be substituted the following section :—

"295. (1) A vote of electors for the Legislative Assembly shall be taken once in every eighth year on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette* not being a day within three months before or after the day for a general election.

(2) Three months' notice at least of the day so fixed shall be published in the *Government Gazette*.

(3) The first of such votes shall be taken in the year One thousand nine hundred and thirty."

—(*Hon. A. Robinson*).

Amendment proposed—That the words "in each electoral district" be inserted after the words "Legislative Assembly".

—(*Hon. W. Tyner*).

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

Committee divided.

Ayes, 3.	Noes, 23.
The Hon. E. G. Bath.	The Hon. R. H. S. Abbott,
	W. Angliss,
	A. A. Austin,
	W. J. Beckett,
	T. Beggs,
	A. Bell,
	F. G. Clarke,
	H. I. Cohen,
	W. P. Crockett,
	J. H. Disney,
	Dr. J. R. Harris,
	J. P. Jones,
	H. Keck,
	M. McGregor,
	D. L. McNamara,
	A. Robinson,
	H. H. Smith,
	J. Sternberg,
	E. J. White,
	R. Williams,
	A. M. Zwar.
Tellers.	*Tellers.*
The Hon. A. E. Chandler,	The Hon. G. L. Goudie,
W. Tyner.	E. L. Kiernan.

And so it passed in the negative.

No. 7.—Licensing Bill—Proposed new clause A—

A. Section two hundred and ninety-seven of the Principal Act is hereby amended as follows:—The word "three-fifths" shall be omitted and the words "fifty-five per cent" inserted in lieu thereof.

—(*Hon. A. E. Chandler*).

Question—That new clause A be added to the Bill—put.

Committee divided.

Ayes, 6.	Noes, 20.
The Hon. E. G. Bath,	The Hon. W. Angliss,
A. E. Chandler,	A. A. Austin,
J. Sternberg,	W. J. Beckett,
W. Tyner.	A. Bell,
	F. G. Clarke,
	W. P. Crockett,
	J. H. Disney,
	Dr. J. R. Harris,
	J. P. Jones,
	E. L. Kiernan,
	M. McGregor,
	D. L. McNamara,
	J. K. Merritt,
	A. Robinson,
	H. H. Smith,
	E. J. White,
	R. Williams,
	A. M. Zwar.
Tellers.	*Tellers.*
The Hon. H. I. Cohen,	The Hon. R. H. S. Abbott,
H. Keck.	T. Beggs.

And so it passed in the negative.

By Authority: Albert J. Mullett, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1922.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 9.

Extracted from the Minutes.

WEDNESDAY, 13TH DECEMBER, 1922.

No. 1.—BOILERS INSPECTION BILL—

Motion made and question put—That the Chairman do report progress and ask leave to sit again.
—(*Hon. R. H. S. Abbott*).

Committee divided.

Ayes, 13.	Noes, 13.
The Hon. R. H. S. Abbott,	The Hon. W. J. Beckett,
W. Angliss,	F. W. Brawn,
A. A. Austin,	F. G. Clarke,
E. G. Bath,	H. I. Cohen,
W. L. R. Clarke,	J. H. Disney,
Dr. J. R. Harris,	J. P. Jones,
H. Keck,	D. L. McNamara,
M. McGregor,	J. K. Merritt,
H. F. Richardson,	A. Robinson,
J. Sternberg,	H. H. Smith,
A. M. Zwar.	R. Williams.
Tellers.	*Tellers.*
The Hon. G. L. Goudie,	The Hon. T. Beggs,
W. Tyner.	A. Bell.

The Tellers having declared the numbers for the "Ayes" and for the "Noes" to be respectively thirteen, or equal, the Chairman, in view of the lateness of the hour, gave his voice with the "Ayes," and declared the question to have been resolved in the affirmative.

THURSDAY, 14TH DECEMBER.

No. 2.—FACTORIES AND SHOPS BILL—Clause 13—

13. (1) In sub-section (2) of section one hundred and thirty-six of the Principal Act for the words "six months during the three years immediately preceding their appointment" (wherever occurring) there shall be substituted the words "three years."

(2) In paragraph (*c*) of sub-section (5) of section one hundred and seventy-four of the Principal Act for the words "six months during the three years immediately preceding such nomination" there shall be substituted the words "three years."

—(*Hon. A. Robinson*).

Question—That clause 13 stand part of the Bill—put.

Committee divided.

Ayes, 10.	Noes, 14.
The Hon. W. J. Beckett,	The Hon. R. H. S. Abbott,
F. G. Clarke,	A. A. Austin,
J. H. Disney,	A. Bell,
J. P. Jones,	F. W. Brawn,
E. L. Kiernan,	A. E. Chandler,
J. K. Merritt,	H. I. Cohen,
A. Robinson,	G. L. Goudie,
J. Sternberg.	Dr. J. R. Harris,
	H. F. Richardson,
Tellers.	H. H. Smith,
The Hon. H. Keck,	W. Tyner,
R. Williams.	A. M. Zwar.
	Tellers.
	The Hon. W. P. Crockett,
	M. McGregor.

And so it passed in the negative.

No. 3.—FACTORIES AND SHOPS BILL—Clause 18—

18. For section one hundred and forty-one of the Principal Act there shall be substituted the following section :—

* * * * * * * *

—(*Hon. A. Robinson*).

Question—That clause 18 stand part of the Bill —put.

Committee divided.

Ayes, 9.	Noes, 15.
Th Hon. W. J. Beckett,	The Hon. R. H. S. Abbott,
F. G. Clarke,	A. A. Austin,
J. H. Disney,	A. Bell,
J. P. Jones,	F. W. Brawn,
J. K. Merritt,	A. E. Chandler,
A. Robinson,	H. I. Cohen,
R. Williams.	Dr. J. R. Harris,
	H. Keck,
Tellers.	M. McGregor,
The Hon. E. L. Kiernan,	H. F. Richardson,
D. L. McNamara.	H. H. Smith,
	J. Sternberg,
	W. Tyner.
	Tellers.
	The Hon. W. L. R. Clarke,
	A. M. Zwar.

And so it passed in the negative.

No. 4.—FACTORIES AND SHOPS BILL—Proposed new clause D—

D. (1) Section ten of the *Factories and Shops Act* 1919 is hereby repealed.

(2) At the end of section one hundred and five of the Principal Act there shall be inserted the following sub-section :—

"(2) The Minister may suspend the provisions of sub-section (1) of this section in any shop to such extent and subject to such conditions as appear requisite and such suspension may be revoked by the Minister by a notification under his hand posted to the occupier of the shop affected thereby. No such suspension shall authorize the sale or offering for sale or exposure for sale of any goods the dealing in which would under the provisions of this Part necessitate the closing of such shop".

—(*Hon. H. I. Cohen*).

Motion made and question put—That new clause D be added to the Bill.
Committee divided.

Ayes, 15.	Noes, 11.
The Hon. R. H. S. Abbott,	The Hon. W. J. Beckett,
A. A. Austin,	A. Bell,
E. G. Bath,	F. G. Clarke,
F. W. Brawn,	J. P. Jones,
A. E. Chandler,	E. L. Kiernan,
W. L. R. Clarke,	D. L. McNamara,
H. I. Cohen,	J. K. Merritt,
Dr. J. R. Harris,	A. Robinson,
M. McGregor,	R. Williams.
H. F. Richardson,	
J. Sternberg,	*Tellers.*
W. Tyner,	The Hon. W. Angliss,
A. M. Zwar.	J. H. Disney.
Tellers.	
The Hon. H. Keck,	
H. H. Smith.	

And so it was resolved in the affirmative.

By Authority: ALBERT J. MULLETT, Government Printer, Melbourne.

1922.

VICTORIA.

REPORT

FROM THE

JOINT SELECT COMMITTEE

OF THE

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

ON THE

IMPERIAL ACTS APPLICATION BILL;

TOGETHER WITH

MINUTES OF EVIDENCE.

Ordered by the Legislative Council *to be printed,* 28*th November,* 1922.

By Authority:
ALBERT J. MULLETT, GOVERNMENT PRINTER, MELBOURNE.

D.—No. 1.—[ ].—18871.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS.

TUESDAY, 11TH JULY, 1922.

9. STATUTE LAW REVISION COMMITTEE.—The Honorable A. Robinson moved, That, in compliance with the recommendation of the Joint Select Committee on the Consolidation of the Laws adopted by this House on the 22nd June, 1915, a Committee be appointed, consisting of six members, to join with a Committee of the Legislative Assembly, to deal with anomalies in the law and make recommendations as to statutory amendments, such Committee to consist of the Honorables H. I. Cohen, W. H. Edgar, G. L. Goudie, J. P. Jones, H. F. Richardson, and A. Robinson, with power to send for persons, papers, and records; five to be the quorum.

Question—put and resolved in the affirmative.

Ordered—That a Message be sent to the Assembly acquainting them with the foregoing resolution.

TUESDAY, 8TH AUGUST, 1922.

3. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of a Message from the Assembly acquainting the Council that they have appointed a Committee to join with the Committee of the Council to deal with anomalies in the law and make recommendations as to statutory amendments, such Committee consisting of Mr. Bailey, Mr. Eggleston, Mr. Lawson, Mr. Prendergast, Mr. Snowball, and Mr. Wettenhall, with power to send for persons, papers, and records, and to sit on days on which the House does not meet; five to be the quorum.

APPROXIMATE COST OF REPORT.

	£	s.	d
Preparation—Not given.			
Printing copies) ..			

REPORT.

THE SELECT COMMITTEE appointed to join with a Committee of the Legislative Assembly to deal with anomalies in the law and make recommendations as to statutory amendments have the honour to report to your Honorable House as follows :—

1. Your Committee have held four meetings, which were devoted to the consideration and examination of a proposed Imperial Acts Application Bill prepared by His Honour Sir Leo Cussen. His Honour attended the meetings of your Committee and explained the scheme of the proposed Bill, and after full discussion certain alterations considered advisable both by your Committee and His Honour were made.

2. Your Committee strongly recommend the adoption of the Bill in its present form.

3. Whilst practising lawyers from a perusal of the Explanatory Paper accompanying the Bill will readily grasp the design and scope of the measure, your Committee are of opinion that a less technical statement on more general lines may not be out of place. It is thought also that especial attention should be drawn to some matters in which substantive amendments of the existing law are proposed, so that no material alteration may be made without the attention of Parliament being directed thereto.

4. Enacted law in force in Victoria to-day comprises the following :—

(1) Imperial legislation introduced in 1828 into New South Wales (which then included Victorian territory) by the Act 9 Geo. IV. c. 83.

(2) New South Wales legislation passed between 1828 and 1851.

(3) Victorian legislation from 1851 onward.

(4) Certain Acts of the Imperial Parliament before and since 1828 in its capacity as the supreme Legislature—Acts which are of paramount force and which are imposed by express words or necessary intendment and which are not subject to repeal or amendment by the Victorian Parliament.

(5) Commonwealth legislation.

Of this enumeration the proposed Bill is concerned with No. 1 only.

The Act 9 Geo. IV. c. 83 provided that all laws and Statutes in force within the realm of England *at the passing of the Act* were to be applied in the Courts of New South Wales "*so far as the same can be applied.*" The applicability or otherwise of many of such laws has been determined by judicial decision, and others would, by analogy, be held to be in force.

On the introduction of such law into Victoria it ceases to remain "Imperial" and is subject to repeal or amendment by the Victorian Legislature.

The Bill, which seeks to complete the work of consolidation by making readily accessible all the enacted law over which the Parliament of Victoria has control, includes two Schedules.

Clause 4 of the Bill deals with "transcribed enactments" and provides that the Imperial enactments mentioned in the First Schedule to the Bill, to the extent that the same are set out or transcribed in Part II. of the Bill, shall continue to have in Victoria such force and effect, if any, as they now have. These enactments, it is believed, are now in force in this State, but for greater caution they are not specifically re-enacted, but are given whatever legal force and effect they had on the thirty-first day of December, 1921.

Clause 7 repeals all Imperial enactments in force in England at the time of 9 Geo. IV. c. 83 so far as they are in force in Victoria and so far as the Victorian Parliament has power to repeal them, but there are excepted from this repeal the transcribed enactments mentioned in clause 4 and the enactments mentioned in clauses 5 and 6 of the Bill.

Clause 5 provides that the repeal effected by clause 7 shall not apply to certain classes of enactments.

Clause 6 provides that the repeal effected by clause 7 shall not apply to the enactments mentioned in the first column of the Second Schedule to the Bill (except as otherwise provided in the Second Schedule) to the extent to which such enactments are in force in England.

A table indicating the principal repealed enactments is given in the Explanatory Paper, reference to which will show that the Victorian Parliament has so legislated on a number of these as to render the Imperial enactments unnecessary or inapplicable. Others are obsolete. Those which it is considered desirable to re-enact are so re-enacted in Part III. of the Bill.

It should be pointed out that, whilst no Imperial enactments (other than the paramount enactments previously mentioned) outside of the two Schedules to the Bill can be invoked in the Courts if clause 7 is adopted, an enabling provision is supplied by clause 8, which empowers the Governor in Council to add any enactment inadvertently omitted.

5. In Part III. certain matters of substantive alteration are suggested. Your Committee have given considerable attention to such amendments, and have had the advantage of discussing them with His Honour Sir Leo Cussen.

Division 2 of Part III. in part makes use of a Bill introduced into the Imperial Parliament in 1893 purporting to be a consolidation of all the earlier Imperial enactments on the subject-matter of Administration of Estates.

Clause 14.

Clause 14 slightly amends the Imperial Act in that it confines its operation to dutiable estates, and reduces the penalty from £100 to £50, thus allowing a person to administer an estate which does not exceed £200 without being liable to a penalty for not taking out probate or administration.

Clause 18.

Clause 18 is in accordance with other modern legislation, with the addition of a power to authorize the Curator of Intestate Estates to intervene to protect an estate.

Clauses 30, 31, 32.

Clauses 30, 31, and 32 set out the Statutes of Distribution plus local statutory additions, and in their present form provide a much-needed code for the distribution of estates where a person dies intestate as to the whole of his estate. A matter of substantive alteration herein to which your Committee would draw special attention is in clause 31 (*b*). In 1916 Act No. 2863 (*Intestate Estates Distribution Act* 1916) was passed, which provides that when a person dies intestate, leaving a mother but no wife or husband, issue, or father, and the net value of his or her estate does not exceed Five hundred pounds, then the whole of the estate of such intestate belongs to the mother absolutely and exclusively. The curious result might follow that if the estate were Five hundred and one pounds the mother would be outside the section, and might only get a smaller sum than Five hundred pounds.

It is thought that the real intention of Parliament was that the mother should have the first claim on the estate up to Five hundred pounds, and take a share along with brother and sisters (or their children) of the intestate in the surplus (if any) remaining after satisfying the mother's first claim. Clause 30 of the Bill sets out the law as it has stood since the year 1896 with reference to the estate of an intestate who dies leaving a widow but no children. This example has been followed in dealing with the anomalous position arising out of Act No. 2863, save that the mother's first claim is limited to Five hundred pounds, while that of the widow in the circumstances mentioned in clause 30 is One thousand pounds.

Clause 31 (*a*), (*b*), and (*c*) therefore makes a substantive alteration of the law, but one which it is believed carries out the real intention of Parliament. Opportunity has been taken to insert by clause 31 (*c*) a provision rendering it unnecessary for a mother in the case of such an estate as here under discussion to furnish an administration bond where the Five hundred pounds (or less) that may be coming to her is the proceeds of insurance policies on the life of the deceased.

Clauses 47 and 48 provide against certain difficulties which are apparent from the text, and which have been found practical difficulties. Clauses 47 and 48.

Clause 56 slightly extends the definition of "Lottery" in the *Police Offences Act* 1915. Clause 56.

Clause 69.—The penalty has been reduced from Twenty pounds to Ten pounds, and the words "of which one moiety shall go to the informant" have been deleted. Clause 69.

Clause 77 (2).—The latter part of the sub-clause is new, and requires the Sheriff or his assistant to explain to the person arrested the provisions governing his arrest. Clause 77 (2).

Clause 98 brings the penalty in the case of piracy into line with other punishments for serious offences. Clause 98.

Clause 100 copies Act 7 and 8 Vict. c. 24, which, of course, is Imperial legislation subsequent to 1828; but it is suggested that these old offences should be abolished here as they have been in England. Clause 100.

Clauses 52, 53, and 54 of the Bill relate to Forcible Entries and Detainers; clause 68 to Disturbance of Religious Worship; and clauses 93, 94, 95, and 96 to Unlawful Oaths and Societies. The present law on these subjects is contained in certain old Imperial enactments. The Queensland Criminal Code, prepared by the late Chief Justice of the High Court of Australia, Sir Samuel Griffith, substituted for these Imperial enactments a series of provisions which covered the area of the Imperial legislation in question. Clauses 52–54, 68, 93–96.

His Honour Sir Leo Cussen advised the Committee that the substitution of the clauses in the Queensland Criminal Code for the Imperial enactments would meet all requirements and express the legislation in modern language. For this reason your Committee adopted the provisions of the Queensland Criminal Code.

6. Your Committee desire to place on record their high appreciation of the invaluable work of Sir Leo Cussen in the preparation of the Bill. The examination in detail of the provisions of some seven thousand Imperial Acts extending over several centuries, and the consideration of the Acts and Ordinances of New South Wales and Victoria, constituted an undertaking that demanded legal learning and critical qualities of the highest order. The solution of the problems arising in determining the applicability of these enactments to Victoria, and the manner in which they should be dealt with, called for the exercise of exceptional powers of precise discrimination. All this has been accomplished by Sir Leo Cussen without any professional assistance. It is due to his zeal for the service of the State and his high sense of public duty that His Honour has been able with such distinction to carry his self-imposed task to a successful conclusion. He has conferred a lasting benefit on the people of Victoria, and has increased the debt which the community already owes to him for the services he generously rendered in the consolidation of the Victorian Statutes.

Committee Room,
State Parliament House,
Melbourne, 23rd November, 1922.

STATUTE LAW REVISION COMMITTEE.

Statement by His Honour Sir Leo Cussen in submitting to the Committee the Draft Bill to adopt certain Enactments of the Imperial Parliament and to repeal other Enactments of such Parliament and for other purposes;

WITH

Questions by the Committee and Replies by His Honour.

(State Parliament House.)

FRIDAY, 11TH AUGUST, 1922.

Members present:

The Hon. A. ROBINSON, C.M.G., in the Chair;

Council.	*Assembly.*
The Hon. H. I. Cohen, K.C.,	Mr. Eggleston,
The Hon. W. H. Edgar,	Mr. Prendergast,
The Hon. G. L. Goudie,	Mr. Snowball.
The Hon. J. P. Jones.	

The Chairman (to His Honour Sir Leo Cussen).—This meeting has been called at your suggestion with reference to the desirability of legislation regarding Imperial Acts which are or may be in force in Victoria and the consolidation of them. I think it would be conducive to the despatch of business and our popular understanding of the matter if you would give us a statement as to what is sought to be done, and the reason for it.

His Honour Sir Leo Cussen.—I regret you have not had an opportunity of considering the Bill with its explanatory papers recently. As the Attorney-General knows, I was desirous some time ago of having this matter brought on, but for various reasons you have been unable to get together. I think the most important paper for the purposes of preliminary examination is the one marked "Addendum," and I am not sure that it would not be the better way for me to read that through and stop for the purpose of making any further explanation that is desired.

Apart from what may be called private Acts, the consolidation in 1915 of the Statutes of the Victorian Parliament did not complete the consolidation of enacted law in force in Victoria. Necessarily, from defect of power, it excluded legislation of the Commonwealth Parliament and such legislation of the Imperial Parliament as has been, by express words or otherwise, made applicable as of paramount force in Victoria. There remains, however, a large body of enacted law passed originally by the Parliaments of England, Great Britain, and the United Kingdom which was introduced into New South Wales under section 24 of the Act 9 George IV., c. LXXXIII. That section you will find set out below. By subsequent Imperial Acts this body of enacted law, or a large part of it, continued in operation in Victoria after the separation from New South Wales. Over the operation of this body of law in Victoria the Parliament of Victoria has control, both as to its substance and its form. It is not readily available in Victoria, except to those within reach of large libraries, and it is not characterized by any formal marks which readily distinguish it on the one hand from legislation so obviously arising out of purely English conditions as not to be applicable here, or, on the other hand, from some of the legislation which, being enacted by the Imperial Parliament in its capacity as the Supreme Legislature, operates as of paramount force in every part of the Dominions falling within its scope, legislation which the local Legislature can neither repeal nor vary. To make readily accessible all the enacted law over which the Parliament of Victoria has control, and for the continued operation of which it therefore is responsible, is necessary in order to complete the work of consolidation. Except with respect to some of the enactments which are merely mentioned in the Second Schedule, and which are not transcribed for reasons set out in the main Preliminary Explanatory Paper and in this Addendum, it is believed that the provisions of the Bill, if enacted, would accomplish this purpose.

The Statutes of the Realm up to and inclusive of the reign of Queen Anne, and the subsequent Statutes of the Parliaments of Great Britain and of the United Kingdom up to the time of the passing of the Act 9 George IV., c. LXXXIII., have been carefully examined with a view of ascertaining by the application of judicial tests what enactments in force in England in the year 1828 became by force of section 24 of that Act part of the law of New South Wales. In this connexion it may be convenient to set out this section, which is as follows:—

> XXIV. Provided also, and be it further enacted and declared, that all laws and Statutes in force within the realm of England at the time of the passing of this Act (not being inconsistent herewith, or with any Charter or Letters Patent, or Order in Council, which may be issued in pursuance hereof) shall be applied in the administration of justice in the Courts of New South Wales and Van Diemen's Land respectivley, so far as the same can be applied within the said colonies, and as often as any doubt shall arise as to the application of any such laws or Statutes in the said colonies respectively it shall be lawful for the Governors of the said colonies respectively by and with the advice of the Legislative Councils of the said colonies respectively, by ordinances to be by them for that purpose made, to declare whether such laws or Statutes shall be deemed to extend to such colonies, and to be in force within the same, or to make and establish such limitations and modifications of any such laws and Statutes within the said colonies respectively as may be deemed expedient in that behalf: Provided always that in the meantime and before any such ordinances shall be actually made it shall be the duty of the said Supreme Courts, as often as any such doubt shall arise upon the trial of any information or action, or upon any other proceeding before them, to adjudge or decide as to the application of any such laws or Statutes in the said colonies respectively.

The power to declare whether Statutes shall be deemed to extend to the colonies was frequently exercised, but the doubts arise where it has not been exercised; that is under the Proviso at the and of the section. There have been large numbers of decisions by Courts as to various Statutes. Perhaps for the present purpose the most important words of the section are those in the phrases "at the time of the passing of this Act" and "so far as the same can be applied within the said colonies." The section has been the subject of numerous decisions, but it is unnecessary to deal with these or with the Acts terminating with The Constitution Act by which the Parliament of Victoria, that is to say, the King, with the advice of the Legislative Council and Legislative Assembly, was given power to make laws in and for Victoria in all cases whatsoever. The effect of the words "in all cases whatsoever" is, of course, limited by paramount Imperial Acts, and one of these Acts is the Commonwealth Constitution Act.

Having ascertained what enactments in force in England at the time of the passing of Act 9 George IV., c. LXXXIII., could be applied in New South Wales in 1828, it is necessary to eliminate such of these as have been expressly or impliedly repealed by legislation of the New South Wales Legislature (while Victoria was a part of New South Wales) or of the Victorian Legislature, whether passed before or after The Constitution Act. Instances of implied repeal by reason of the fact that the local Legislature has manifested an intention to make complete and possibly entirely new local provision for the subject-matter being dealt with are numerous. Further instances of implied repeal are stated in the original Preliminary Explanatory Paper. In connexion with the question of elimination, it is necessary in some exceptional cases to consider Imperial legislation after 9 George IV., c. LXXXIII., and Commonwealth legislation.

If the above processes of ascertainment of the enactments in force in England on 25th July, 1828, which apply to New South Wales, and of the elimination of those which have since been expressly or impliedly repealed, could be carried out with absolute certainty, the enactments left would be those which are now in force in Victoria by virtue of section 24 of 9 George IV., c. LXXXIII. But this desirable result cannot be absolutely achieved by reason of the fact that with respect to some enactments in force in England at the time of the passing of the Act 9 George IV., c. LXXXIII., there are not judicial decisions dealing with the question of applicability and of elimination, or in some cases with either of such questions. With respect to these enactments the conclusion as to their operation or continuing operation is necessarily unauthoritative, and opinion may vary from complete confidence to extreme doubt.

There are some subjects with respect to which groups of Imperial enactments undoubtedly in operation in Victoria are so large in number and so connected with and mutually dependent upon each other that the law upon the subject is to be found in the cumulative effect of these provisions rather than in their several specific terms. These cases lend themselves readily to the process of consolidation, and they are accordingly submitted in the Bill in a consolidated form, with a view to their direct establishment by the Parliament of Victoria. These groups of enactments, together with other isolated enactments, the continuing operation of which may be said to be free from any reasonable doubt, constitute Part III. of the Bill. So far as this Part is adopted, the future operation of these consolidated enactments will no longer be a matter of opinion.

With respect to the Imperial enactments not thus consolidated, which may be held to be in force by virtue of the Act 9 George IV., c. LXXXIII., the Bill enumerates in chronological order in the First Schedule and sets out in alphabetical order in Part II. the greater part of such enactments. In many cases these in the remaining cases it seems possible, applying judicial tests, that they would be held to be in force in Victoria. They are not directly enacted in the Bill. Their operation will remain, as now, subject to judicial decision. They are to have "such force and effect, if any, as they had at the commencement of the Act," assuming the Bill becomes an Act. The question may be asked:—"Why, if an enactment has already been held to be in operation locally, is it not consolidated?" To this question it may be answered that some of the enactments, *e.g.*, the Statute of Uses—a very important Act in connexion with Real Property—are so expressed and are so embedded in the law that it might be dangerous to try to consolidate them in a present-day enactment. I might add that if you repeat in a present-day Act the language of an old Act it may have a different meaning to what it had then. In other cases it may be conceded that if it is finally decided by those in authority to include the substance of the enactments in the Bill consolidation could be resorted to. It may be that there are some enactments which would be judicially decided to be in force in Victoria which are out of harmony with present-day conditions, and which could be safely repealed without being either transcribed or consolidated. That is to say, that you might say in 1828 this enactment would be held to apply to New South Wales, but it is out of harmony with the general legislation of Victoria, and ought not to be considered as applicable at the present day, and therefore it should come in the Repeal Section. It should be remembered that those portions of the enactments enumerated in the First Schedule which are not set out in Part II. come within the repeal effected by clause 7, and to this extent clause 4 when coupled with clause 7, has a direct enacting effect. I call particular attention to this passage because it is important. It is important also to bear in mind in connexion with what may be called the three receptacles for enactments provided by the Bill, namely, (1) the First Schedule and Part II.; (2) the Second Schedule; and (3) clause 7, dealing with repeal (see table at end of original Explanatory Paper), there is no difficulty in making a transfer, if desired, from one receptacle to another.

The purpose and effect of the method provided by clause 4 of dealing with enactments must, as to some extent has already been indicated, be taken in connexion with clause 7 of the Bill. Clause 4 is the one that deals with the First Schedule, and clause 7 with the repealed enactments. Apart from the exceptions created by clauses 4, 5, and 6 of the Bill and the savings contained in clause 7 itself, this is a general repeal, so far as Victoria is concerned, of all Imperial enactments not enumerated or set out in the Bill. All the enactments mentioned in the First and Second Schedules may not be in operation in Victoria; but, apart from the special exceptions and savings already mentioned, nothing outside these Schedules can be invoked in the Courts if clause 7 is adopted. This is subject to clause 8 which, recognising the possibility that some operative enactment has been omitted, empowers the Governor in Council to add such an enactment. This clause is inserted for greater caution. It is confidently anticipated that the exercise of the power will not be called for. I should like to add this to the statement, that the power of the Governor in Council will not be to legislate but merely to set out or indicate an enactment which shall have such effect as the Courts hold that it should have. It is not a question of putting in an enactment which will, *ipso facto*, have the force of law, but is merely designed to make provision in case there has been some omission from what will be presently referred to as the transcribed enactments as distinguished from the consolidated enactments, and the Courts will have to decide whether in 1828 the enactment was applicable in New South Wales.

The First and Second Schedules then are alike in enumerating enactments of the Imperial Parliament which may still be held to be in force. It remains to explain why some enactments are placed in one Schedule and some in another. As previously pointed out, there will be no difficulty in transferring, if desired, any enactment from one Schedule to another; but it may be stated generally that the enactments in the First Schedule are those which are of the greatest practical importance, and which at present can be conveniently transcribed. It is with respect to these that the greatest practical difficulty, caused by the inaccessibility of authentic texts, arises. It is not intended by what is just stated to suggest that the enactments enumerated in the Second Schedule are not of importance. It is merely intended to indicate that they do not call for practical consideration so frequently or so urgently as those enumerated in the First Schedule. It must be conceded that the delimitation of the First Schedule in the way above mentioned results in the Second Schedule becoming a receptacle for a miscellaneous set of enactments or for miscellaneous groups of enactments. Some of these enactments are included in the Second Schedule because they are difficult of either transcription or consolidation, and might be better dealt with by new legislation; others are included because they deal mainly with matters beyond the domain of the Parliament of Victoria, though they may incidentally contain provisions of a general nature within such domain; others are included because they, though not directly applicable in Victoria, may become wholly or in part applicable by reason of Imperial legislation subsequent to 9 George IV. c. LXXXIII.; and others are included for various other minor reasons which it is not necessary at present to indicate. It is thought that after the benefit of a discussion with the Parliamentary Statute Law Revision Committee the respective scopes of the First and Second Schedules, if it is decided to have two Schedules, may be varied. For the present it is sufficient to say that an enumeration, even without transcription, of the enactments mentioned is of some practical importance. Such an enumeration, even if it achieves no other object, brings the enactments under notice for consideration. It will be seen that enactments of undoubtedly Imperial concern, such as those relating to the title and succession to and settlement of the Crown, are, speaking generally, not enumerated in either the First or Second Schedule. It was thought more appropriate to leave these to the operation of the general words in clause 5.

It may be added that in the Act and in the Preliminary Explanatory Paper and this Addendum the word "Imperial" is used with reference to legislation as the only suitable compendious expression covering legislation of the Parliaments of England, Great Britain, and the United Kingdom.

The Bill is divided into three parts, and the first Part is called "General." The second Part consists of what are called transcribed enactments which are not directly indicated as the law but are felt to have such force, if any, as they had at the time of the commencement of the Act. That is a novel form of legislation, but the importance of enumerating them is that when you come to the repeal section they are excepted from it, and the importance of transcribing them is that they offer a ready reference to Acts which are frequently referred to, and which are not available to the ordinary person unless he has either a complete set of English Statutes himself—which is unlikely—or is near a large library where he can consult them; and even if he has them all or is near a large library he may find some difficulty in coming on to the appropriate provision which he desires to find, and therefore Part II. contains a complete transcription of these enactments which are likely to be referred to as possibly being in force in Victoria by virtue of Act 9 George IV., c. LXXXIII. These enactments are set out in the First Schedule to the Act in chronological order.

The Chairman.—Possibly not in force at all, but possibly in force.

The Hon. J. P. Jones.—They will be enforced if we bring them under the consolidation?—So far as we bring them under Part III., but not necessarily if they are under Part II. In addition to these transcribed enactments there are exhibited in the Second Schedule a number of Acts of various descriptions which are not transcribed, and therefore with regard to them there is not the facility of reference that there is with regard to this First Schedule which is transcribed. The reason for that is set out in the paper which I have just read to you. A great number of them relate to matters which are contained in very long Acts, and it is impossible to say that there may not be in those very long Acts some passage which might be held to be of importance in Victoria, but so far as practical purposes are concerned, the main object of that Second Schedule is simply to exempt them from repeal. They are not of the class of Acts which would be referred to ordinarily in litigation or disputes between parties. That deals with the First and Second Schedules, and now I come to the third Part.

The third Part of the Act is a real consolidation. That is to say, it is a direct enactment by the Victorian Parliament in respect of various matters about which it is thought there is practically no doubt, and that the enactments are of such a character that they can be much better expressed in modern language. I have also referred to the fact that one of the reasons for transcribing some Acts and not consolidating them is, first, that if you try to put them into modern language in the case of such an Act, for instance, as the Statute of Uses, you would probably fail, and perhaps might do a very great deal of harm. On the other hand, if you re-enact them in their very words the words used by Parliament at the time may have had a different meaning from what they have now. Therefore some of those, I think, are much better transcribed than consolidated.

Having explained that, generally, there are three Parts to the Act—first, the general part, then Part II., which deals with transcribed Acts not directly enacted, and Part III., which is the real consolidation—it may be desirable for me to refer to clause 7 of the Bill which is really perhaps the most important clause of all in the Bill. That starts off by saying "save as aforesaid"—that is practically save in regard to Acts of general Imperial concern or with regard to these Acts set out in the First Schedule, or in the Second Schedule—"all the enactments commencing".—[*Reads down to the words "for Victoria."*]

It turns upon that section, as pointed out in the paper I read to you, that if this Act is passed there may be some doubt whether the transcribed enactments in the First Schedule are operative i n Victoria, but, apart from the general savings, there will be no doubt that you need not go outside the enactments in the First or Second Schedule for the purpose of consulting any other enactments. So that question is finally settled once and for all. Having said that, I think I might read now the main Explanatory Paper, although it is long.

The Hon. H. I. Cohen.—No attempt has been made to deal with them since 1828?—Not at all, except that in the consolidation in Part III. where the earlier Acts have been affected by subsequent legislation a reference to later Acts is sometimes introduced, but very sparingly, and except for the fact that there is one isolated case, I think, in one of the very latest clauses of the Bill, which refers to an Act which seems to have been repealed by some mistake and is now brought in again. Practically you may say "No" to that question.

Perhaps before going on with this Preliminary Explanatory paper I should say that in a Schedule to it is set out—not as an enactment or as a Schedule to an enactment, but as a Table—the reason why a number

of enactments are included in the repealing section. Those of you who are familiar with the law will, perhaps, be afforded the best example by reference to page 9 mentioning the Statute of Frauds. That is one of the most important English enactments which would be in force in Victoria by 9 George IV. if it were not for subsequent legislation. Then the question has to be asked—Should not the Statute of Frauds, or any part of it, be included in this Bill? And the answer is given by this Table. It is not included, because sections 1, 2, and 3 were repealed by the Landlords and Tenants Statute 1864, and other sections by other Acts.—[*Quotes down to the words "Part III., Division 2," of the Bill.*] That gives an example of the kind of work which had to be done with reference to each of these Acts before they could be omitted. This, in effect, means before they could be brought under the operation of the Repeal Section, which is a perfectly general one. Another good example in the Table is 4 & 5 Anne, Chapter III. (Chapter XVI. in the ordinary printed editions).

Now, for that purpose I was fortunately able to get a set of the Statutes of the Realm. These Statutes were the result of a Commission which was appointed, I think, in the reign of George III., and which made a very prolonged and critical examination of all the private texts of Acts of Parliament, some of which differ very much amongst themselves. They publish this as a kind of authorized publication after referring to the earlier English Acts. It goes up to the reign of Queen Anne only, but it is carried on in effect by the Statutes Revised, which are pretty well up to date. The great advantage of it is this: that in the chronological tables which are made up in England now, and which are published from year to year, these Acts are always referred to by these numbers, and their sctions referred to by the numbers which are given in these publications I have mentioned. It is a fact that if you consult one private publication you will find that it differs from another both as to the number of the year and as to the section, where the Act is divided into sections, and in the chapters also sometimes. That has been illustrated by what I have just read to you about the Statute of Frauds.

Then another, and very laborious, task had to be done in going through the details of this Bill, which were to come under the repeal clause, and that was to see what had happened to them in England, and to see why it had happened in England. For example, you may find that certain enactments are not in force in England, and the question is—Why? You may find it is not in force because some Statute Law Revision Act has repealed it. They have had many such in England. It happens that in the Statute Law Revision Bills there are explanatory remarks of the kind at which I am now looking, and these are not repeated in the Acts. This rendered a reference to these Bills necessary, where you will find frequently that the reason for the repeal of Acts in England is that they are "spent," or by subsequent legislation impliedly repealed. You need not repeat something which was impliedly repealed by a later enactment, such as the Judicature Act, or whatever Act it might be. They are therefore no longer necessary.

The next question which has to be considered is, does the reason which applied in England apply in Victoria—sometimes it does, in fact, nearly always, but sometimes it does not. If it does, then you can bring about the same result with safety as has been brought about in England. If not, then you cannot say this Act has been repealed, the reason being that in Victoria the particular subsequent legislation is not like the subsequent English legislation. The kind of thing I mean is illustrated by this kind of Bill.—[*Statute Law Revision Bill produced.*] The remarks in the third column of the Table previously mentioned show the reason why a particular section or Act comes under the general repealing section. This necessitated going through dozens of these Statute Law Revision Bills, particularly as far as Victoria is concerned, starting with the great Statute Law Revision Bill brought in by Lord Westbury in 1863, and going right on up to the present date, to see whether the same result could with safety be brought about here as was the case in England.

With these preliminary remarks I will proceed to read this Preliminary Explanatory Paper referring to the Bill. "Clauses 2 and 3 referring to the revised edition of the Statutes."—[*Reads down to the words "Statutes in force."*] The English Chronological Index shows the Acts which have been repealed. They are shown in italics, and by the numbers that I have mentioned in the Statutes Revised or Statutes of the Realm. Then you have to look if you think they would *primâ facie* be applicable in Victoria. You must look at how they are repealed, and to the Act by which they are repealed, and see the reason—if the reason is given; and, as I have said before, in many cases with regard to these Statute Law Revision Bills you must go to the Bills to see why Parliament adopted the view that they should be repealed.

The Hon. H. I. Cohen.—Are there any cases where an Imperial Statute is repealed as to the whole of the Dominions after 1828?—There are some cases, and in those cases such repeal has been given effect to.

The Hon. H. I. Cohen.—I think we must deal with them as they appear here?—There are some cases in which an Imperial Act has been passed after 1828 repealing an Act with reference to all the Dominions, and of course in those cases it is not necessary to say anything about them—they are repealed, and not transcribed or consolidated. The preliminary statement goes on—"in the ordinary printed editions.—[*Reads down to the words "historical interest."*] Those who have a copy of the Bill to look at will see, if they look at pages 6, 7, 8, 9, or page 14 (that is an old Act which is of importance —13 Eliz., Chapter 5—that has been frequently held to be in force in Victoria) that they have been kept exactly as they are with the old spelling, &c., but with the omission of certain words. They are quite intelligible. Proceeding, it states "With respect to enactments prior to the reign of Henry VII.—[*Reads down to the words "in Victoria."*] That means where an enactment has been consolidated in Part III. there is no necessity to put it in Part II. It has been already dealt with, and if the Bill passes, will be finally enacted.

Proceeding to read this paper it states—"To these however must be added.—[*Reads down to the words "in Victoria."*] I do not mean to suggest at all that this Committee might not feel itself in a position to recommend Parliament with regard to some of these, but in the first place I took it that if I had any doubt about them they should not be excluded, and I put them in. I call attention now to some of those about which there can be said to be most doubt. In this connexion, reference may be made to Divisions 4, 5, 8, 16, 25, 26, 27, to which I now add 28 and 29.

Divisions 4 and 25 may be taken together. The first one is an Act relating to the carriage of grain, and the second relates to offences by seamen. I may point out that they were both passed at a time when particular disorders had taken place, and no doubt were designed to prevent them at the time.

Mr. Eggleston.—The provision against forestalling? —No, it affects acts of violence, and not merely forestalling.

These matters have been, to a certain extent, provided for in our own legislation, and it may be the Committee may be of opinion that both could well be omitted. I point out, however, that leaving them in does not make any alteration in the law as it stands at present, because, if a doubt as to whether they apply

to Victoria is suggested, then the Court may hold them not to be in force. I do not know whether I make myself clear upon that subject, but that is the position.

Leaving them in this Part is, however, very different from what it would be if they were put in Part III. If in Part III. they are done with and are Victorian enactments, but leaving them in Part II. merely says "Well, possibly they may be in force or not, and it will be for the Courts to decide whether they are in force or not."

I may point out that in sections 37 and 38 of the *Crimes Act* 1915 there are provisions dealing, to a certain extent, with the subject-matters. As to these sections, it might be said there are modern provisions on the subject, and these were enacted to take the place of these older Acts, and they should take the place of them. Personally, I have no objection to that. However, I might point out this: that both these sections of the Crimes Act are in force in England and yet they have not repealed these older Statutes which are still in force there.

The Hon. H. I. Cohen.—Has that been a matter of judicial decision?—I do not know that it has been held as a matter of judicial decision, but they are still quoted in this chronological index as being in force, and that is all I can say about them. They have never been repealed by Parliament, at all events. Two courses may be open to the Committee. The Committee may feel it is not in a position to say to Parliament or to recommend they should go out, or, as I suggest, if the more important object of passing the Bill is to be achieved, then where there are doubtful cases they should be left in Part II., because that merely leaves things as they are. It does not alter matters one iota. That is all I have to say about those Divisions.

Mr. Snowball.—Is there any conceivable reason for retaining them side by side with our own legislation when they do not deal with similar conditions?—They go a little further than the sections of the Crimes Act, and apparently in England they have not chosen to repeal them, and so they are there. However, I do not wish it to be taken that I suggest that they should be retained.

The Hon. H. I. Cohen.—I should like to put it that there are two questions—one, whether the Act of 1828 makes them applicable; and, secondly, whether they have not impliedly been repealed by the legislation of the Crimes Act?—Those two questions might arise, but I think the general view in England is that they are not impliedly repealed.

Mr. Eggleston.—I should say it was better to have as few doubtful cases as possible?—That is so.

Mr. Eggleston.—A thing like that in the background is always liable to cause trouble?—Of course the Committee might like an opportunity of further considering this matter now it has been brought before their notice before finally deciding these things. These are not things which can be decided right off.

The Hon. H. I. Cohen.—I notice this very Act makes an offence, a second offence, a felony, whereas our Crimes Act makes an offence equally as bad merely a misdemeanour?—That is for a second offence. For a first offence it is only a conviction before a Court of Petty Sessions.

Of course, there is this to be said also, that we now have a very much more complete set of statutory provisions relating to assaults and matters of that kind, and I suppose those provisions would cover a great many of the cases which would come under this section if there was actual violence used or anything of that kind. However, I do not think it is fair to ask this Committee to decide questions of that kind straight off. And, in fact, personally, I have not the slightest objection to striking out both provisions.

The Hon. H. I. Cohen.—If your Honour would only go further and give a judicial opinion as to what you would do if it came before the Court it would be a help to us.

The Hon. J. P. Jones.—It would provide a lot of argument for the Full Court?—That is the objection to it.

The Hon. J. P. Jones.—I suppose there are cases here which would guide us in regard to such cases as you refer to?—Yes, they would all be referred to.

Now, the next, Division 5, is one which I think I should not enlarge upon at present. It is a very technical branch of the law, depending upon whether, apart from an indictment, what is called a criminal information at common law may be resorted to in Victoria either on the application of the Attorney-General or, in some cases, of private persons. The undoubted right exists in England to have such information, and to have men prosecuted under it. These are provisions limiting that right and imposing certain conditions before it can be exercised. My own opinion is that there is a possibility that criminal information at common law can be resorted to in Victoria, but that is a very involved and difficult question, and I do not think it is a matter upon which I should detain the Committee. Next, as I have already pointed out, in regard to Part II. it leaves things as they are, and does not alter them. Until there is a complete criminal code —which, in fact, would be a desirable thing— I think that is the best thing to do. This question had therefore better be left open. I do not think there has been a case of a criminal information at common law in Victoria for the last 40 or 50 years. I do not suppose there will be many in the immediate future. However, I do not think the Division can be safely omitted, and I do not think there can be any harm done by retaining it. I am quite prepared to discuss the question at greater length, but I think, until members have gone into the subject and have had a further opportunity of considering it, I should be only taking up the time of members unnecessarily by discussing it at any greater length now. I therefore pass on from it to Division 8.

Division 8 deals with dyeing. I do not know whether this is of any importance in Victoria. Most of the Act is not applicable to Victoria, but perhaps some members of the Committee may say whether this is of any importance. If not, it may be struck out. It struck me it might be of no importance. Perhaps some member of the Committee may have some knowledge on the subject of logwood dyeing.

The Hon. J. P. Jones.—I do not think logwood has been used here for twenty years.

His Honour Sir Leo Cussen.—I did not know whether it was used or not, but if it is not used it can be struck out.

The Hon. H. I. Cohen.—What was the purpose of the Act?—Apparently the logwood had some harmful effect on the clothing—not on the individual who wore it. I do not attach any importance to it, and unless members think there is any real question of importance here I should say "strike it out."

The Hon. H. I. Cohen.—I should think so.

The Hon. J. P. Jones.—It is a question we could easily get further information upon?—Yes.

The Hon. H. I. Cohen.—It merely applies to logwood dyeing?—It is logwood mostly.

Mr. Prendergast.—Under the old conditions logwood was used more in the family, and not by professionals? —I should say *primâ facie* we might pass it over with the idea that it shall be struck out unless something is brought forward to show the necessity for it.

The next is Division 16, which relates to Justices of the Peace. Of course, there are a great many Acts relating to the Justices of the Peace, starting in the reign of Edward II. or earlier. But the question here is whether our local legislation must not be considered as covering the whole ground. One of the doubts is what the effect of the Justices Commission is in Victoria, which seems to have been taken to some extent from the Commission in England, and which appears to have had a construction given to it depending upon the jurisdiction which was conferred by these old

Acts; and the only doubt I had was whether the construction of that Commission might be affected by these Acts which I have referred to here; but, again, I do not think it would do any harm if it were dropped. It may have an indirect application in connexion with the wording of the commission which comes from these old Acts.

The Hon. H. I. Cohen.—Is that the whole division?—No. It would not do any harm to leave in the last Act of George III., even if the other two were struck out, the first two.

Division 26, relating to Sunday, is a difficult one. It is stated in the book of Bignold's, *Bignold's Imperial Statutes in Force in New South Wales,* that all these Acts are in force. As to the first one, although it seems rather ridiculous to apply it to Victoria, it refers expressly to the Dominions, so I doubt if we could repeal it if we wanted to.

The Chairman.—Are you satisfied that this Act is in force here?

The Hon. H. I. Cohen.—We would have to get the Imperial sanction if we decide to repeal it.

His Honour Sir Leo Cussen.—They would pass the Act.

The Hon. H. I. Cohen.—At our request.

The Hon. J. P. Jones.—The position is that this is in force here.

The Hon. W. H. Edgar.—It applies to all games, Your Honour?—It all depends on what are unlawful games. At that time, bowls, tennis, and that class of game were not, I think, considered unlawful games.

Mr. Prendergast.—We had better retain the legislation:

The Chairman.—Especially as we have no option.

His Honour Sir Leo Cussen.—It seems to me that this is a class of legislation the House would not be desirous of discussing, but I may point out that this does nothing—it only collects the Act—we are in no different position to what we were in before. I would solve doubts, if I may respectfully so suggest, by saying—"Well, if there is any marked difference of opinion among members of the Committee leave things as they are."

The Chairman.—That is to say, if this is left in here it does not alter the position?—No, only you are able conveniently to deal with these Acts. That is, either repeal them here or if you want the Imperial Parliament to do it you can ask them, and you will not have to go through these books to find out what Acts require to be dealt with.

Mr. Prendergast.—If that class of legislation is left out, where do we stand?—Out of this transcription?

Mr. Prendergast.—Yes.

His Honour Sir Leo Cussen.—It would be repealed, so far as it relates to an Act which we can repeal; but the difficulty is that one of these Acts refers to the Dominions, and that makes it doubtful if we can repeal it.

Mr. Eggleston.—Is it not rather undesirable to have a lot of Acts collected as to which there is very grave doubt?

The Hon. H. I. Cohen.—This has always been done in this volume of the Imperial Statutes.

His Honour Sir Leo Cussen.—I am now referring to cases where there is a serious difference of opinion. Bignold in his book says, "This Act is in force in New South Wales," but the cases he cites do not seem to support his statement. I think these cases he cites are, under another part of this Division, included in this transcription.

Let us take the next Act of Charles I.—about horses and waggoners—there again, personally, I should leave it out, but that is for the Committee to say.

The Hon. J. P. Jones.—Why leave it out and leave the other in?—The other refers to the Dominions.

The Hon. H. I. Cohen.—I should say it is quite clear—butchers could not kill or sell——

The Hon. J. P. Jones.—There is no provision against drovers?—Yes, it does say drovers.

The Chairman.—Yes, in the next Act.

The Hon. J. P. Jones.—It is a common thing for drovers to be droving on Sundays now.

Mr. Prendergast.—For example, a man has been fined for carrying firearms on Sunday.

His Honour Sir Leo Cussen.—There is in the Police Offences Act a clause which seems to assume that these Acts, or some of them, are enforced, because it says that the local authorities shall cause Sunday to be duly observed.

The Chairman.—Is that about shops being open?—No, it simply speaks generally.

Mr. Prendergast.—What would be the effect, broadly, in connexion with these matters if we simply omitted them all?

The Hon. J. P. Jones.—It would be difficult then for the average man to find them.

His Honour Sir Leo Cussen.—If you leave them out they will be repealed, except this one referring to the Dominions.

Mr. Prendergast.—What would be the effect upon offences then? Would our Act deal with offences in that case?—Then you could not go to this Act for anything; it would be wiped out.

Mr. Prendergast.—Would that affect the Court's power?—You could not act under this Act.

Mr. Prendergast.—Would other Acts deal with them sufficiently?—With some of them it might, but you could not proceed under a particular Act which came within the repealing clause.

Mr. Prendergast.—Then some men may commit offences without being punished?—That is possible. You may have some matters which are made offences by this Act but which are not worthy of punishment.

The Chairman.—That is something the Committee might examine.

Mr. Snowball.—Taking the cases referred to under the Pounds Act and taking the instances referred to by Mr. Prendergast—the circumstances were that our Pounds Act permitted the destruction of trespassing geese on another man's property. The owner of them kept them locked up throughout the week and let them out on Sunday. The owner of the property trespassed on sought to exercise the power he had under the Pounds Act to destroy the geese. The owner of the geese swore an information under the old Act against the person who destroyed his geese, and a fine was inflicted under that old Act.

His Honour Sir Leo Cussen.—The Police Offences Act.

Mr. Snowball.—For carrying firearms on Sunday under the old Act.

His Honour Sir Leo Cussen.—In the Police Offences Act there are provisions as to firearms and there are also the words "The local authorities shall cause Sunday to be duly observed."

Mr. Prendergast.—Do they do so?

The Hon. J. P. Jones.—What sanction is there on them if they do not do it?—There is no sanction on it.

Mr. Snowball.—They have the right to decide whether it is an offence.

His Honour Sir Leo Cussen.—And I suppose they have a right to authorize a person to prosecute. There was a debate as to whether the local authority should not alone have the power to authorize a person to prosecute.

The Chairman.—I take it under this provision we can repeal all these Acts except the first one.

The Hon. H. I. Cohen.—There seems to be some difficulty about the second one. Mr. Edgar seems to think there is a great difficulty.

His Honour Sir Leo Cussen.—The next one, Act 29 of Charles II., c. 7, has often been held to be in force

here, so if you repeal it you would be altering the law as it has been understood. That refers to a tradesman exercising his ordinary calling. It has not been often used, but it has been sometimes. I think the same thing applies to the next one.

The Hon. J. P. Jones.—Its existence probably prevents tradesmen from doing what they should not?—I do not think it would be desirable to leave that one out.

The Hon. H. I. Cohen.—The next one is where they do not charge to go into Sunday performances?—Yes, "Sunday Observances"—21 George III., c. 49—that is using buildings and charging money.

Mr. Prendergast.—I must say this Bill is very much more attractive than I thought it was.

His Honour Sir Leo Cussen.—To put it shortly, I think that these Acts of Charles I. might be omitted without any one noticing it. One of them we cannot repeal, and the other might well be repealed; but the two later Acts, 29 Charles II., and 21 George III., ought to be left.

Mr. Prendergast.—Would there be any possibility of football being played on a Sunday if this Act were repealed?—That would depend upon whether it is considered an unlawful pastime.

Mr. Prendergast.—It is considered unlawful if it is played outside your own parish. If North Melbourne played Fitzroy at Fitzroy the one club could not be prosecuted, while the other could. Of course, they would have to wait for the return match to get them both.

The Hon. W. H. Edgar.—There were some prosecutions lately at Albert Park for playing football on Sunday.

The Hon. H. I. Cohen.—Were they not under the Park Regulations?

The Hon. W. H. Edgar.—Oh, yes, under the Park Regulations.

The Hon. J. P. Jones.—They were fined 10s., I think.

His Honour Sir Leo Cussen.—Passing on to Division 27—Unlawful Oaths and Societies—this stands in very much the same position as those enactments relating to the seamen. It was passed at the time when there was great economic and social disturbance, and there have been suggestions that these Acts are in force here. That being so, I left them in. Whether the Committee may think they ought to go out is a question.

Mr. Prendergast.—I would like Your Honour to recommend that they be omitted. That would be a decisive proposition we could deal with.

His Honour Sir Leo Cussen.—It is a matter of opinion, I suppose, but I am inclined to think some of these are in force here, and the question is, as a matter of opinion ought they to be abolished; which I suppose depends on the views as to the condition of the country.

Mr. Prendergast.—If Your Honour says that this should be abolished it would help me to make up my mind to vote for it.

The Hon. H. I. Cohen.—Read the preamble and you will see what is aimed at.—[*Reads preamble.*] Do you think that is likely to arise here? I do not.

Mr. Prendergast.—You do not think so? The question is whether we should not vote it out.

Mr. Snowball.—This Committee has no power to legislate; it is here only for the purpose of recommending.

His Honour Sir Leo Cussen.—That is so, only for the purpose of recommending.

The Hon. H. I. Cohen.—This is an Act which no one has ever heard of and has never been put into operation.

Mr. Prendergast.—In the former Committee where points were assumed to be doubtful we expressed decided opinions, which the House adopted in every instance.

His Honour Sir Leo Cussen.—This is a matter of general policy upon which I cannot express a more valuable opinion than other people, but I can express a more valuable opinion as to whether these Acts may be considered to be in force in Victoria. I think they may, and the question of policy as to whether they should be retained is another matter.

Mr. Eggleston.—Do you think, as a lawyer, that they are in force in Victoria?

The Hon. H. I. Cohen.—I might point out that if such a condition of affairs arose we could pass legislation to meet it.

Mr. Prendergast.—But you cannot make it retrospective. Look at the trouble about betting by cheque and recovering in that case.

The Hon. H. I. Cohen.—Well, cannot it be made retrospective?

Mr. Prendergast.—Do not they say hard cases make bad law?

The Hon. J. P. Jones.—I suppose, generally speaking, there are provisions already in force which would protect the public in many matters where these were purporting to protect the public.

The Hon. H. I. Cohen.—Absolutely. There is a means of taking action where a man had made seditious utterances.

Mr. Eggleston.—What is the date of this?

The Hon. H. I. Cohen.—37 Geo. III., 1797.

His Honour Sir Leo Cussen.—One of these Acts, I see, is referred to in Bignold's book as being in force in Victoria. He refers to the *Queen v. Wood,* but I have examined that case, and it certainly is not very satisfactory to show whether it is or not. Others he thinks are in force because Oliver, who made out the original consolidation in New South Wales, put them in his book as being in force. Also the Queensland code repeals them and re-enacts something else in their place. Another way would be to take it out of Part II. and re-enact the provisions of the Queensland code in Part III.

The Hon. H. I. Cohen.—Does Your Honour remember the effect of the Queensland code?—I cannot at present, but I suppose it is here.

Division 28 is not mentioned in the Preliminary Explanatory Paper, but I mention it in addition to those that are mentioned—it is the old Act abolishing the offences of witchcraft, and providing that any one who pretends to witchcraft shall be liable to a penalty.—[*Reads the section.*] There is Section 82 in the Police Offences Act which deals with a similar matter, but not in the same words. The question is whether it is desirable to retain this in addition.

The Hon. G. L. Goudie.—Does it include the wizard?—I think so.—[*Reads the section.*]

The Victorian section would not cover the cases which this old enactment does cover, and it, I suppose, is conceivable in regard to ignorant persons that a person may profess something more than the power to tell fortunes—he may profess to be able to influence the order of events by something in the nature of wizardry; and, though it sounds ridiculous to ordinarily intelligent people, ignorant people may be deceived by it.

The Hon. W. H. Edgar.—Would a clairvoyant come under it?—I think not, speaking generally.

The Hon. H. I. Cohen.—Has there ever been a prosecution under this section?—Not that I know of. This section is still in force in England, and practically that statement applies to everything included in Part II.

The Hon. H. I. Cohen.—Where do we get our Section 82 from? From England?—I think 5 George IV., c. 83, which is the old Vagrancy Act.

The Hon. G. L. Goudie.—Would that include a weather prophet?—I do not think so, because he pretends to go on information he has received as to the past, and on his experience in the past to foretell the future. I understand there must be something more than that; but, of course, it does not do any harm to leave it in if you think a case might arise under it.

The Hon. H. I. Cohen.—Going back to Division 27, does Your Honour remember the section in the Queens-

land code?—No I do not remember it. Have you the Queensland code?—[*Queensland code is handed to His Honour.*]

The Hon. H. I. Cohen.—What is the number of this Act?

The Chairman.—9 George II., c. 5, is the one relating to witchcraft.

His Honour Sir Leo Cussen.—Sir Samuel Griffith repealed that. But that is under Division 28. What is the first one under Division 27?

The Hon. H. I. Cohen.—37 George III., c. 123, is the first.

His Honour Sir Leo Cussen.—That is repealed. He must have thought it was possibly in force. What is the next one?

The Hon. H. I. Cohen.—39 George III.

His Honour Sir Leo Cussen.—He repeals that.

The Hon. H. I. Cohen.—52 Geo III., c. 104.

His Honour Sir Leo Cussen.—He repeals that. I went through his criminal code for the purpose partly of picking out the Acts which might be considered to be in force.

The Hon. H. I. Cohen.—57 George III., c. 19?

His Honour Sir Leo Cussen.—Repealed.

The Hon. H. I. Cohen.—What did he give to take their place? As Your Honour sees, we might put that in the next part of the Act, in a compendious section giving the whole position.

His Honour Sir Leo Cussen.—He has a whole chapter dealing with seditions and seditious offences and with unlawful oaths.

The Hon. H. I. Cohen.—In his code?—In his code.

The Hon. H. I. Cohen.—And part of that may be covered by our own Acts?—No, I do not think any part is. In Queensland these are two general sections, 47 and 48, as to the administration of Unlawful Oaths to commit capital offences and to commit other offences. —[*Reads the section.*] Of course we can repeal all these Acts and insert the provisions of the Queensland code as to Unlawful Oaths in the Consolidating part of the Act.

The Hon. W. H. Edgar.—In Your Honour's opinion would that be sufficient to make the whole of these things clear?—I think so. It has been found sufficient in Queensland.

The Hon. H. I. Cohen.—There are five and a half pages of these Unlawful Oaths and Societies Acts.

Mr. Prendergast.—Do you think it ought to be retained?

The Hon. H. I. Cohen.—No. I think there should be a substitution to meet the whole position.

Mr. Prendergast.—Some of our most respectable citizens might be fined under that.

The Hon. J. P. Jones.—It might be put in the consolidating part.

His Honour Sir Leo Cussen.—That is the difficulty. I have endeavoured to keep contentious matters out of the consolidating part. As a broad principle, if it is in the transcribed Part you can insert it safely and it will make no difference, but if you put it in the consolidating part you settle it once for all. I say leave it here if there is a serious difference of opinion in the Committee.

The Hon. H. I. Cohen.—Is there any serious difference of opinion?

The Hon. G. L. Goudie.—There might be; we might decide to look it up.

His Honour Sir Leo Cussen.—If you take the Queensland code, sections 47 and 48 deal with the matter. The Queensland code is a code in which you will find these things arranged dealing with the whole of the criminal law. It has been found satisfactory in Queensland for the last twenty years, and has been adopted substantially in other places.

Mr. Prendergast.—We ought to seriously consider this matter. I am in favour of cutting this out if that is so.

Mr. Snowball.—As to the power given to the Governor in Council by clause 8, if that were left in the hands of the Court would it largely destroy the value of it?—I do not think the power will have to be exercised myself, and if it is it has no more effect than saying the matter is for the Court to consider.

Mr. Snowball.—Would it not be wise to take that out of political hands—to leave it in the hands of the Court in some way? It is desirable, because the Governor in Council is a political authority?—I do not know that the Judges would like to take the responsibility of saying whether people are to be punished.

Mr. Snowball.—The Governor in Council might say something which Parliament would not say?—He might, and if it had power to state it as an enactment I could quite understand Parliament saying "We do not desire to give the power." But he will not have power to do that. He will only have power to place it where the Court will have an opportunity of considering it.

Mr. Snowball.—Would it not be wiser to give the power to the Court?—I do not think the Legislature would like to hand over to the Judiciary the power to say what might be the law, and I do not think the Judges would like it either.

Mr. Snowball.—We are legislating in some cases in the dark by repealing all Acts not included in the schedule. Wisely we are inserting a proviso that if any mistake is made by such legislation the Governor in Council may be resorted to for the purpose of enabling the Court to give due consideration to that Act, which had been repealed unwittingly. That is what it comes to.

His Honour Sir Leo Cussen.—Of course, if you liked you could say, "By resolution of each House" without going through the formality of an Act. I do not mind which way it is done so long as there is some means of curing a possible mistake. Having solved doubts by inclusion, I do not think you will find any outside the enactments included in the Bill.

Mr. Prendergast.—We can make a report showing where it has been altered in Queensland, and calling the attention of the Attorney-General to it. We can say we thought it advisable to place it in the Act as it stood, but it should be subject to future legislation.

The Hon. H. I. Cohen.—Why future legislation? Why not make one bite of it?

Mr. Prendergast.—I am prepared to make one bite of it, but not to put it in without comment.

His Honour Sir Leo Cussen.—You could put it in Part III. as a consolidated provision.

The Hon. H. I. Cohen.—It can revert to the present position of the Bill if the House is not prepared to accept the Queensland code.

The Hon. J. P. Jones.—Would not the Queensland code necessitate the repealing of a number of other Acts we already work under?—They would be repealed if they were not enumerated or consolidated.

The Hon. W. H. Edgar.—It would simplify the whole procedure, too?—Yes, the Queensland code is expressed in modern language.

The Hon. W. H. Edgar.—Quite so.

His Honour Sir Leo Cussen.—There is a curious point in regard to Freemasons and other societies. There is something in the Licensing Act, section 209, which seems to assume that these Acts are in force where it says certain associations may meet lawfully in certain licensed premises. It assumes that there are unlawful societies, and it makes certain exceptions in regard to societies that may meet.

The Chairman.—We will have to fall back on Mr. Prendergast's suggestion.

Mr. Prendergast.—I will agree to that, providing it is safe.

Mr. Eggleston.—The Queensland code is a consolidation of the Common law as well as the Statute Law?—Yes.

Mr. Eggleston.—Can we adopt it?—The only difficulty I see is that, being a complete code, it all fits in

together, and you might have a little difficulty in extracting some of it without proper additions and so on. The Statute Law Revision Committee has, I think, taken the view that it can suggest improvements in the Statutes as well as consider what has been done in the past.

Mr. Snowball.—Did that power go further than to merely report, leaving the Government to bring in a Bill which would be debated in the ordinary way?—Certainly, that is so.

Mr. Snowball.—If we went further and incorporated in this Act the Queensland code, would not we be going a good deal further than that?—I do not think so. The Government would present the Bill to the House, in which the Queensland sections would be included.

Mr. Snowball.—A separate Bill?—No, in this Bill. If that did not meet with the approval of the House they would have to drop it or, if it did, carry it.

My object all through has been to put doubtful matters into Part II., so that if there is a serious difference of opinion about it it could be said—"Very well, leave things as they are." It is unsatisfactory, but, still, it would get rid of the turmoil.

The Hon. W. H. Edgar.—Your Honour seems to be very clear on this point?—I think it would be better to put it in.

The Hon. H. I. Cohen.—In section 65 it brings in the degrees of consanguinity and affinity?—I will come to that later.

The Hon. H. I. Cohen.—I was asked only this week, rather curiously, to see if I could get an amendment of the Act. Take a deceased brother's wife, for instance.

His Honour Sir Leo Cussen.—May I suggest that the report of the Committee of 1915 includes this passage:—[*His Honour reads passage commencing with the words "Consolidation introduces more amendments and changes in the law."*] Then they suggest that, in view of the early dissolution, the matter be further considered; and a further report is made that the amendments have been considered, some of which have been withdrawn, but that the amendments remaining may be accepted by Parliament—and they were accepted.

Mr. Snowball.—Parliament accepted them in the form of one Act?—Yes.

Take Division 29, Witnesses, page 53. I will not detain you over that, because it is a matter of very little importance. It enables a fine of £10 to be inflicted upon a witness neglecting to attend when summoned. I merely call attention to the fact that since this Bill was drawn that provision has been repealed in England, and whether it is worth while retaining it here or not I do not know. It is a very small matter, for which I do not think we need much time. They may be punished in certain cases as for contempt of Court. This is a right given to the party.

Mr. Eggleston.—In connexion with the County Court subpœna there is a fine of £20?—I would be inclined to leave it in myself.

The Hon. H. I. Cohen.—I think so. Otherwise we have no redress at present.

The Hon. J. P. Jones.—It seems to be a very good idea if the witness does not attend.

His Honour Sir Leo Cussen.—That deals with clause 4 and the First Schedule. Other than those matters I have specified I suggest that the First Schedule and Part II. remain as they are. Perhaps these matters that I have mentioned members might like to take again. They are Divisions 4, 5, 8, 16, 25, 26, 27, 28, and 29. Otherwise, I recommend that Part to be retained as it is now. Those are the doubtful ones.

There are a great number of general provisions which really have very little practical effect at present. For example, under the head of "Justice and Liberty" you have, amongst others, the great clause in Magna Charta, page 22, which is all that is left of Magna Charta, I may say, at the present date. Of course, the Magna Charta which is quoted in the Statutes of the Realm is the charter of Edward I., though in many respects it is a copy of the charter of John. At all events we do not go back as far as John.

Mr. Prendergast.—Do none of our laws go back as far as John?—Nothing that may properly be called a Statute. There are charters and things of that kind.

There are some magnificent specimens of charters in this book, the *Statutes of the Realm,* Vol. I. It starts with the Statute of Merton, 20 Henry III.; and that is the famous occasion upon which the Bishops and Clergy wanted to provide for legitimation by subsequent marriage, and the Barons shouted with one voice that they would not change the laws of England which had hitherto been used and approved. That has been adopted as the motto of the Supreme Court library—*Nolumus leges Angliæ mutare.* Strange to say, we have changed the laws of England as to laws of legitimation by subsequent marriage.—[*Reads section as to legitimation.*]

The Hon. H. I. Cohen.—Take Division 16, Justices of the Peace. I thought we were all agreed that should go out.

The Chairman.—There are those consolidating provisions.

His Honour Sir Leo Cussen.—I have not come to those yet.

The Chairman.—There is that Statute of Distributions. It would be most disadvantageous to the legal protions. It would be most advantageous to the legal profession and trustees if you had the law relating to intestate estates set out.

His Honour Sir Leo Cussen.—Shall I proceed?

The Chairman.—I think we must adjourn now.

His Honour Sir Leo Cussen.—I hope members will consider the desirability of viewing these things, so as to enable this Bill to be passed. I consider it of very great importance indeed. I have given up months of work to it, indeed, years.

The Hon. H. I. Cohen.—Apart from the Acts of the Federal Council, I suppose this short Bill will take the place of the whole of volume V. of the 1890 Consolidation?—Yes, it will.

The Committee adjourned.

(*State Parliament House.*)

FRIDAY, 1st SEPTEMBER, 1922.

Members present:

The Hon. A. Robinson, C.M.G., in the Chair;

Council:	*Assembly:*
The Hon. H. I. Cohen, K.C.	Mr. Eggleston,
The Hon. W. H. Edgar,	Mr. Prendergast,
The Hon. J. P. Jones.	Mr. Snowball.

His Honour Sir Leo Cussen was also in attendance.

His Honour Sir Leo Cussen.—It might be worth while if I explained to the Committee the manner in which at the conclusion I determined whether an Act was likely to be worth considering in reference to Victoria or not. At the beginning I went through these large volumes—the Statutes of the Realm—then, after that, through these smaller volumes—the Revised Statutes, which only contain the Acts which were in force in England at the time they were published, and I have before me what is called the Chronological Table of all the Statutes, and if members will look at that they will see that it goes on continuously to the present day. Every chapter and every Act is taken; those that have been repealed in England are printed in italics, and those that are not repealed in the ordinary type. Then the third column tells you how those in italics have been repealed. Then it was necessary to consult those Acts by which the repeal was effected to see why the earlier Acts were repealed; and, as I think I have already explained, the Statute Law Revision Bills, which repeal most of those that are of

importance to us, state the reason why the repeal was effected. Now, if we take the Statute of Merton, the very first chapter—Chapter 1—Damages—it is repealed by 44 and 45 Victoria. Looking at that it is clear that this was repealed because the Judicature Act was passed in England, and as the Judicature Act was passed in Victoria the same reason applies here as in England. Chapter 2 relates to Dower and some other things in connexion with it. We need not consider that in Victoria because Dower has been abolished for so many years. Chapter 3 is repealed by the English Statute Law Revision Act of 1863. I have not got the old Statute Law Revision Act here, but I have no doubt that if I referred to that I would find that that was repealed for some reason, such as that it was already provided for by another Act which we have copied in Victoria, or something of that kind. Chapter 4 relates to Commons; that has no application here in that way, although we have Commons; it is quite a different thing to what was meant in England. The next relates to Usury; that is satisfactorily accounted for, and going on through the rest of the chapters you will find that the only one left of any importance is that one referring to the fact that they would not have legitimation by subsequent marriage, and that is the only one in the Act. In those days the Statute was divided into chapters; each chapter was considered a separate enactment; they were all written on the one roll, but you will find that all those chapters can be disregarded except that one I have mentioned, and it is doubtful whether even that one need be dealt with at all. Those were gone through in the way that I have mentioned. Sometimes the whole Statute can be disregarded because it clearly relates to a matter which does not apply to Victoria, and after seeing the subject-matter, that is the end of it. After having gone through them, I then checked it by reference to this second volume, which gives a reference to the Statutes now in force. I went through all the subject-matters; although when I came to a title like "Municipal" I passed that over; if I came to a title like "Justice of the Peace" I looked to see what Acts were in force in England at the present time under that heading; then I went back and gave special attention to those Acts, because the fact that they were still left in England was an indication that they deserved more special consideration here. Going through those in that way afforded a check on what I had done. After that I went through many of the leading text-books, and could gather from the index at the beginning the various Acts referred to in the text-books. This afforded an additional check. Before passing on to Part III. of the Bill I should like to indicate, perhaps more clearly than I did on the last occasion, that while the provisions set out in the Bill are of importance—of course I consider that its effect in providing for the repeal of so many, together with the repeal of the sections, is the most important part of the Bill—in a sense it may be said that the most important part of the Bill is what is not there. That is to say, it is the exclusion of all those enactments, many of which—the more important of which—are set out in the table at the end of the Explanatory Paper, which is the great thing that the Bill has accomplished.

The Chairman.—That is to say that this list you gave in the Explanatory Table, beginning on page 6 and going on to page 15, is the important part, because it makes it clear that those particular Statutes are not in force?—As such, *per se.*

Because they are inapplicable to the State or else have been superseded by legislation within the State?—Yes; and that is really the great thing that the Bill does. I consider that table valuable because it does give a complete history of everything that has been repealed in Victoria.

It is essential that this table should be published in the volume?—I think so—yes. Then there is another general remark that I should like to make. It is desirable that this Bill should be passed as a whole because it all hangs together, but I have no doubt that very soon (certainly when another consolidation comes), this Bill will be almost completely gutted, and it will to a great extent disappear as a separate thing. The only things that will be left will be some of those old Statutes that it is almost impossible, or at all events, inadvisable, to transcribe. It is better to leave them there in their own language. I anticipate that Part III. will be eventually distributed amongst Victorian legislation, and will disappear from this Bill.

With a further consolidation you will take the whole of Part III. and put it into various Acts?—In the proper places; and I think you can take out a great many of the transcribed parts. It is awkward to do that as to the transcribed parts now, but if you were doing a consolidation now I do not think it would be difficult at all. On the other hand, if you take, for instance, the Statute of Uses, I do not know that it would be advisable to do anything with that but leave it where it is.

If we attempted to use the same phraseology in an Act of Parliament now it might be given a different meaning to what it had in the past?—Yes. Then I am not satisfied with the title of the Bill. I would be glad of suggestions if you can think of a better title, but I feel that it would be better to call it "Imperial Acts Application Act" or "Application Bill," rather than "Imperial Acts Adopting and Repealing Bill." I think the word "Imperial" sounds a little bit odd in one of our Acts in conjunction with the word "Repeal." But there does not seem to be any other word expressing the fact that you are dealing with Acts of the English Parliament, the British Parliament, and the Parliament of the United Kingdom.

Mr. Eggleston.—It is implying that we have the power to apply it?—Yes.

Which is not accurate, is it?—I think it is accurate to say that we have the power to apply because section 24 says that the Legislative Councils shall have power to declare whether such law shall be deemed to "extend." I do not know whether you think that word "extend" should be used in the title. They are already extended in a sense. I would be glad of any suggestions as to the title.

The Chairman.—I take it that at present your view is that "Imperial Acts Application Act" is about the simplest?—Yes; I have been thinking a good deal about it, and that is the decision I have come to, but I will welcome any suggestion.

Mr. Prendergast.—What other word suggests itself besides "Imperial"?—No other word except a long phrase such as—to take or adopt or apply certain Acts of the Parliament of England, and of Great Britain, and of the United Kingdom. There is a reason for adopting the word "Imperial" here. It is justified by the practice here. I think the word has always been used by lawyers. You have Webb's *Book of Imperial law*, and I think Volume 7 of the Consolidation of 1890 speaks of the Imperial Statutes. Then there is this recent book of Mr. Bignold's of New South Wales; he speaks of "Imperial Statutes in force"; that phrase seems to have crept into our nomenclature.

Mr. Eggleston.—I was working with an English solicitor, and he did not understand the use of the word "Imperial" as applied to British law at all?—Yes, that is the position at present. I am inclined to leave it at "Imperial Acts Application Act" unless a better title is suggested. I was speaking to the Attorney-General and suggesting to him that I think this Bill will probably be reserved for the Royal Assent, as it deals, amongst other things, with marriage, and that would give an opportunity to Parliament, if it desired, to make the date of its coming into force six or nine months ahead. If it were published and subjected to any criticism outside, then any possible mistakes might be corrected. It would give an opportunity, at all events, of considering matters. I should also like to say that the very valuable addendum to the Preliminary Explanatory Paper which I read to you and commented upon on the last occasion is due mainly, and in some passages verbally, to the sugges-

tions of Professor Harrison Moore, to whom I sent the Bill, together with the Original Explanatory Paper, feeling that I would get from him a valuable criticism from an outsider as to what was necessary to explain it further. He then suggested to me the difficulties which occurred to him, and I took those difficulties, and I have dealt with them in this Addendum. I think it is much more valuable from that point of view than if I tried to do it myself, because it deals with the difficulties experienced by a person reading the Bill and not having any previous knowledge of it. I also had the benefit of a discussion with Mr. Paul since our last meeting, and he has given a good deal of attention to the early history of the Justices of the Peace. He has convinced me that it may be desirable at present to retain those early Statutes relating to the Justices of the Peace for this reason: That, in addition to the construction of the commission for Justices, our Victorian legislation seems to assume that Justices of the Peace are well-known people. The Governor in Council may appoint Justices of the Peace—then it is provided that the Justices may do this and may do that, but it is only in the old English Statutes that you get the general provision that these Justices may be appointed to maintain and keep the peace; and it is out of that that many of their administrative functions spring. The Victorian Parliament seems to have taken it as something that is known—they say, "The Governor in Council may appoint Justices of the Peace," and leave it at that. On the whole, I am inclined to think that it would be desirable to retain the old Acts relating to Justices, and there is one I should like to add.

The Chairman.—Did you put that in the transcription?—I will do so. It is the very earliest of all; before this they were not appointed by the Crown. This is from 1 Edward III., Chapter 16, and it says:—[*Reading—"Item: For better keeping and maintenance . . . shall be assigned to keep the peace."*] That is the foundation of their jurisdiction, and that was the first time the right was given to the Crown to appoint them; before that they were elected or chosen in some other way; they were not appointed by the Crown. That is the start of our present system. Then I have been further thinking about these long clauses relating to Unlawful Oaths and Societies, and, on the whole, I think they could be fairly replaced by what has been adopted in Queensland, where they were repealed when the Criminal Code was passed, and certain provisions which I referred to on the last occasion were put in their place. The result of that would be to wipe all these out of Part II., and to put another division of Part III. in called "Unlawful Oaths," or something of that kind, and adopt the provisions of the Queensland code.

Which do you prefer?—I prefer to have the Queensland one; but if there is any serious difference of opinion about it, you can leave it as it is there.

Could we get a draft of the Queensland ones?—Yes, they are here; I referred to them on the last occasion.

There is a whole division of an Act?—No, there are only two sections, I think.

Would you do away with the whole of Division 27, Part II.?—Yes.

Unlawful oaths as well?—Yes, the whole of Division 27. With regard to witch-craft, I really do not know whether it is worth bothering about. At all events, Sir Samuel Griffith has kept it in Queensland; he has re-enacted it under section 432 of the Queensland code, where it says:—[*Reading—"Any person who pretends to exercise or use any kind of witch-craft . . . . . guilty of a misdemeanour"*]—and is liable to imprisonment for one year.

The Hon. J. P. Jones.—I suppose our Police Offences Statute provides for that offence in some way?—No, not quite so fully. In Queensland this is practically the same. Another way would be to take the section of the Queensland code, which is in modern language, and put it into Part III. It seems to me that a year is rather severe though.

The Hon. W. H. Edgar.—Would that cover the whole of the ground?—As far as it has been covered anyway; it is such a mysterious kind of a thing, but I do not think it is worth while wasting the time of the Committee over it to any extent.

Mr. Prendergast.—Does witch-craft cover fortune-telling?—I think fortune-telling is already dealt with under the Police Offences Act.

The Hon. J. P. Jones.—It is pretty well covered by the Police Offences Statute, because they prosecute under it now.

The Chairman.—Yes, for pretending to use subtle craft.

His Honour Sir Leo Cussen.—I think that comes from a very old Vagrancy Act in England; there they have the two things running side by side.

The Chairman.—There is a case now before the Court which seems to indicate that some people believe in witch-craft?—Sir Samuel Griffith evidently thought this was in force in Queensland, and he repealed the English Act and re-enacted this in the words that I have mentioned; but, as I say, I think we have some more important things than that to deal with.

Mr. Prendergast.—It is a pity to keep that old enactment in about witch-craft; it might afford a lever for one religious sect to attack the religious beliefs of another sect, because sometimes they show a most enthusiastic desire to slaughter one another.

His Honour Sir Leo Cussen.—Perhaps we had better leave it in Part II.

Mr. Prendergast.—In regard to this Queensland legislation, is there any difference between the effect of that and the effect of the English one?—I think there is very little.

You are in favour of the Queensland one?—I think I would have it.

You prefer the Queensland one?—Yes, I prefer it because it is expressed in modern language.

Would Sir Samuel Griffith's rendering of it cover fortune-telling?—It is in the Statute of James II. There may be a certain amount of overlapping between this and the Police Offences Act. He seems to me to have taken the old Act and slightly altered it and copied it. I am not sure whether in Queensland they have a section corresponding to section 82.

The Chairman.—Would they clash in any way?—They both refer to telling fortunes; they would not clash if we leave that Act in Part II., because if there was anything like a repeal by Victorian legislation, this would be given effect to.

Mr. Prendergast.—Well, that is important?—That applies generally to a great many things; all those transcribed enactments are subject to later Victorian legislation.

If you say that you would prefer the Queensland Act that would affect the Committee considerably?—I do not feel very strongly about it.

But even if you have a preference for it, it would make a material difference to me in voting.

The Hon. J. P. Jones.—So far as Division 27 is concerned you prefer the Queensland language in that case?—Yes, I do.

The only doubt is about this witch-craft—28?—Yes.

The Hon. W. H. Edgar.—There is another mode now practised, and that is faith healing; would that come under witch-craft if they happened to take fees for it?—I should not say so myself, but these things are very mysterious.

Mr. Prendergast.—Some of those things which are looked upon by some people as religion are looked upon by others as fortune-telling, and we do not want to put it in the power of any one sect to prosecute others who may believe, for instance, in spiritualism?—I think all those things are reasons for leaving it where it is.

We had a case half-a-dozen years ago, where there was a wholesale prosecution of spiritualists, and the spiritualists made a determined stand against the effort to wipe them out as a religion when another section of the community wanted to prosecute them as fortune-tellers. I believe in allowing them to practise their religion as long as they do not defraud anybody at all.

Mr. Snowball.—Well, it was contended that people were being defrauded—that fees were being collected, and poor, ignorant people were being imposed upon—that their credulity was being played upon.

Mr. Prendergast.—Believing what we do, we think ourselves exceptional men of goodness, and look on every one else as superstitious.

Mr. Snowball.—I am not saying that I do not agree with that statement, but that was the purpose of the Legislature.

His Honour Sir Leo Cussen.—One of the advantages of bringing these things before your notice is that if Parliament does not agree with it they can repeal the whole thing.

Mr. Prendergast.—If Your Honour made a recommendation upon this point the House would be more inclined to act upon it than on any other recommendation; if you say it does not matter, the House will say, "Well, then, do not alter it"?—Well, from what I have heard I would be inclined to say, let Division 28 remain.

The Chairman.—All right. Well, what about consolidation?—Well coming to Part III., I should like the benefit of the opinion of parliamentarians as to clauses 11 and 12. They are really not pure consolidation; they were suggested by old Acts, which, of course, are being repealed, and I do not know whether the Committee can say whether they are desirable or not.

Clause 11 is very necessary, I think?—Yes, it is suggested by the old Act; I would not say it is a copy. I do not see that it can do any harm. Clause 10 is quite certain; there is no difficulty about that. Is clause 12 of any importance?

Yes. That, of course, has more applicability in England; but I should say, apart from that, it is very desirable to have it here as a general provision; it cannot do any harm?—No, it cannot.

Mr. Eggleston.—It is only affected by the delay in giving the Royal assent.

His Honour Sir Leo Cussen.—I think this is of great importance in England; it will probably hardly ever arise here, but I suppose there is the possibility of its arising.

The Chairman.—From one or two cases we had during the war it was considered that it might be necessary out here, and it is a wise thing to take the power, because no individual can be punished; there is a proviso in this clause protecting the individual.

Mr Eggleston.—Failing to act in that matter would be a matter for Parliament.

His Honour Sir Leo Cussen.—I should recommend it, certainly. This Act in force in England is practically the same as yours, and now it is a question as to whether it is not in force here.

The Chairman.—It may be in force here?—Yes, it may be doubtful, but I do not see that it would do any harm to have it. Well, then, Division 2, of course, is a very important one, and it results in a great many English Acts, going back to Charles II. and James II., some, indeed, to Edward I., going into the Repeal section. If this division is passed all the early Acts relating to the executors and administrators and the administration of estates will go into the repeal section, and, therefore, into that table which is at the end of the Explanatory Paper. There was introduced into one House in England in 1893 a Bill dealing with this matter, but they never passed it. It purported to be a consolidation of all the earlier English Acts, and it was for this purpose most useful to me, and I verified it by reference to the earlier English Acts which it purported to consolidate, and it seemed to me very desirable that it should be passed. That is what Division 2 does. I do not know whether any member has been through it.

The only thing I would like to suggest is this, with regard to clause 31—the Statute of Distributions. It is a great boon to have it set out at all. Would it be possible to still further clarify the position by providing specifically as to the provisions of section 15 of the *Administration and Probate Act* 1915? That would make this whole thing a code then?—Yes; repeal that. Section 15 of the Administration and Probate Act is where a person dies leaving a widow and no issue, and she gets his property up to £1,000?

Yes?—There is no difficulty in putting that in front of section 31.

The Hon. H. I. Cohen.—It will be shown on top of that?—Yes.

The Chairman.—We would then have in this section a code for the distribution of estates?—Yes, complete. There is one matter which is referred to in sub-clause (6) of 31—if the intestate leaves a mother, but no widow, or widower, or issue, or father, the mother shall be entitled to the surplus for her own use if it does not exceed £500. That depends upon an Act of 1916, which I did not feel justified in altering in any way; but it produces some very curious results. If it happened to be £501 the mother would, perhaps, only get £100, but if it were just under £500 she would get the lot.

The Hon. H. I. Cohen.—Do you think it should be considered on the same lines as section 15 of the Administration Act?—That would be one way, but I did not venture to interfere with what Parliament had done.

The Chairman.—This was practically a war measure?—I think Mr. Blackburn introduced it, and I think it was debated a good deal in both Houses.

The Hon. H. I. Cohen.—Was that point raised during the debate?—I do not know. I do not think Mr. Blackburn was quite satisfied with the result, but he had to get it through that session as it was. I did not like to make substantial alterations in a measure which I knew was debated in each House at some length, and only passed after a good deal of consideration.

The Hon. J. P. Jones.—But section 6 may not have been discussed from that particular angle. Did anybody observe that point?—I am not sure about that. Mr. Blackburn could give us most information about that.

Then your point was not observable to the House apparently, and I think the House would be glad if the Committee pointed it out. What was the date when that was passed?—20th December, 1916.

The Chairman.—The debate was conducted rather fully by the late Mr. Robert Beckett in the Council on it.

His Honour Sir Leo Cussen.—It is rather short, I will read section 2.—[*Reads section 2 of Act* No. 2863.] I may explain that a mother, apart from this provision, stands in the same position as a brother or a sister; mothers, brothers, and sisters share equally if they are the nearest people under the Statute; and, as far as I can see, if there was an estate of £501, and there were a mother and two brothers and a sister, the mother would get one-quarter, whereas if it were £499 she would get the whole lot.

The Chairman.—It is a question of policy, then, as to whether the others should be deprived of their share?—Yes. I should not like to alter that.

Mr. Prendergast.—There are two classes of work for the Committee to do. One is to consolidate, not to alter, the law, and bring it more up to date; the other is that where there is something which is apparently an oversight we could make recommendations, and the Attorney-General could take steps to see that those amendments were introduced into the House, or else call special attention to them when they were passing through the House.

The Hon. H. I. Cohen.—Yes.

The Hon. J. P. Jones.—There is nothing to prevent the Attorney-General, when this Bill is brought down into the Committee stage, bringing in an amendment and explaining it to the House. No doubt the House would agree, and it could be amended according to the wish of the House.

The Chairman.—I am not prepared to say without further consideration that it would be a wise thing to cut the brothers and sisters out.

Mr. Prendergast.—But this Act is leaving the anomaly that His Honour points out, and that anomaly is not intended to exist at all. It seems to me that the House never contemplated when they proposed to allow the mother £500 that if the estate should be £501 the mother should only get £100, or that the £500 was going to be reduced at all.

The Hon. J. P. Jones.—It is a matter, after all, that we can turn over in our minds.

The Hon. H. I. Cohen.—The only thing is that we want to be quite sure that it will be brought before the House in either of the two ways—by leaving the clause as it stands with the Attorney-General to note it and bring it before the House, or an amendment of that present section drawing attention to the fact that it is an amendment of the existing law.

Mr. Prendergast.—In every class of legislation we have proposed where we allow exemptions they disappear at a certain point, and that is recognising a principle which we have not recognised here. We have a £250 exemption in connexion with land which disappears £1 for £1 as it goes on. This does not recognise that principle at all.

Mr. Snowball.—It is clearly an oversight by Parliament.

His Honour Sir Leo Cussen.—What would you do if the estate amounted to £5,000?

Mr. Snowball.—Give her a preferential claim for £500, and divide the rest.

The Hon. H. I. Cohen.—That is my idea.

The Chairman.—It becomes a question of policy as to an amendment of the law.

The Hon. W. H. Edgar.—What would be in your mind in regard to an estate worth £5,000?—I am inclined to think that I would be prepared to say that the mother should get £500, and that the balance should be equally divided; but, as the Chairman says, that raises a question of policy.

The Hon. H. I. Cohen.—But on parallel grounds that has already been determined under section 15 of the Administration Act?—About the widow getting a preferential claim to £1,000?

Yes; and curiously enough I got a case for opinion yesterday in which it appeared that they applied that to the husband in South Australia. The husband was put in exactly the same position as the wife here, and he gets first call up to £500, with a charge on the estate carrying interest to the date of death.

The Chairman.—I take it that it is for the wife only here.

Mr. Snowball.—That was deliberate on the part of our Parliament—limiting it to the wife, but this was apparently not thought of.

Mr. Prendergast.—In connexion with the exemption of land tax, the State reduces it by so much, while the Commonwealth allows the exemption to run for everything—all the time, with the land tax.

The Chairman.—I take it that this section sets out the Statute of Distributions and our amendments as the law now stands, and with a further alteration you could make it a complete code of the law as it now stands?—Yes, by adding section 15 of Act No. 2611.

The Chairman.—Yes, well I think it preferable to do that.

The Hon. J. P. Jones.—The Attorney-General can look into the point raised, and we can discuss it at a later date, after he has had time to think about it.

Mr. Prendergast.—In connexion with the last consolidation, His Honour will recollect that the Committee made various recommendations; there were different classes of recommendations; some went into the House as legislation and some were introduced as amendments?—Yes.

The Hon. H. I. Cohen.—This Bill would take a long while going through the House unless we had the proposed substitutions ready.

The Hon. J. P. Jones.—We would have that.

The Chairman.—We do not want to introduce substitutions for amendments in the law. The last Committee took up that attitude very clearly—that they should not introduce the substance of amendments in the law unless it were for the purpose of clearing away dead timber, as it were.

Mr. Snowball.—Did we not go so far as to say that where there was clearly an anomaly discovered we could remedy it; I think we did that.

The Chairman.—We would recommend legislation, but not in the consolidated provision.

His Honour Sir Leo Cussen.—I think they did the last time.

The Hon. H. I. Cohen.—As long as attention is clearly drawn to it, I do not see why they should not.

Mr. Snowball.—It would involve a lot of debate and delay unless the Bill comes to the House with a recommendation for something to clear away the anomaly. It would appear to be our duty to do that. It is no use telling the House that there is an anomaly here, and not recommending a remedy.

Mr. Prendergast.—Are you quite sure that this is an anomaly; it looks like one, but are you sure about it. This was passed on the 20th December of that year.

Mr. Snowball.—Would you not regard it as clearly an anomaly, Mr. Attorney-General?

The Chairman.—It is an anomalous position, but we may have 40 different views as to the cure of it; that is the real difficulty.

His Honour Sir Leo Cussen.—Yes, you may be able to say that you all agree that it is an anomaly, but not as to the way of curing it. For instance, you may say that the mother should come in first for £500; that could be done pretty easily because paragraph 6 could be made to provide for that—you could say that the mother would be entitled to £500 for her own use, but shall not otherwise be prejudiced.

The Hon. H. I. Cohen.—Yes, it could be done on the same lines as section 15 of the *Administration and Probate Act* 1915.

His Honour Sir Leo Cussen.—This clause 31 is probably the most important clause in Part III.; in the public interest it is the most important clause of all, I should think.

Mr. Snowball.—This concise statement of the position has been long looked for.

Mr. Prendergast.—Are there any other anomalies of this nature that you have in mind?—No.

The Chairman.—I think the whole object in Mr. Blackburn's mind at the time this measure was brought in was to deal with the case of soldiers who had deferred pay, so that the mother should have the first call.

Mr. Snowball.—It was clearly a war measure.

The Chairman.—As regards this other point, it has been investigated, and the Committee can discuss that separately apart from passing this as a consolidated measure.

His Honour Sir Leo Cussen.—Well there are one or two matters I want to mention. In regard to Division 2, clause 14, I am doubtful whether that should remain in, and also clause 30. I think clause 14 can fairly be said to be a consolidation—that is to say, there is an English Act which provides for it, and *prima facie* it ought to be in here. I do not think it has ever been referred to here as something which is of importance.

Mr. Eggleston.—It surprised me?—I would recommend taking it out myself.

The Hon. H. I. Cohen.—That is the view I take?—I cannot say that there is not an English Act providing for it.

Mr. Eggleston.—I think it is necessary. I had a case a little while ago in connexion with that.

The Chairman.—Why should he take another man's property and administer it?

Mr. Eggleston.—It is rather an awkward position if the executor will not take out probate; you cannot deal with him, and you cannot take administrative action.

Mr. Snowball.—You can compel him to take out probate; you have your remedy.

His Honour Sir Leo Cussen.—However, there it is, and I cannot say, if you are going to leave things as they are, that it ought not to be in. I think I should take it out because it has never been acted on here, or resorted to. There is a question of policy involved as to whether it is desirable to have this forfeiture.

Mr. Prendergast.—Well, we can affirm or deny just now whether it should be in or out. I am prepared to take the Judge's decision.

The Hon. J. P. Jones.—Is there some other way of dealing with it as an offence?—Not treating it as an offence; you can make application to the Court to have him take out probate or renounce.

The Hon. J. P. Jones.—But a man might administer an estate in absolute ignorance of this.

The Chairman.—In ignorance of the fact that he has to take out administration or probate?

The Hon. J. P. Jones.—Yes; and it would be a pity to impose a penalty of £100.

The Chairman.—He always gets those things remitted if he has any good pals.

The Hon. J. P. Jones. — It appears to be rather severe—take, for instance, the case of a man who continued to administer an estate that he has, perhaps, been managing for some years prior to the man's death; he may be a country man, and he may be ignorant of this.

His Honour Sir Leo Cussen.—The English Act, following the usual practice there at that time of frequently having a little statement by way of preamble to a section, says—"And for the better collecting of duties of probate of wills be it further enacted," and that is what they enacted.

Mr. Snowball.—That was on purpose to compel persons to bring statements to enable the Crown to get its duty. There are cases where a person, having charge of an estate in connexion with which the death of one of the beneficiaries took place, without going through the form of obtaining administration or probate, administered the share of the deceased in the ordinary way, having regard to the rights of the persons entitled, without paying duty. That may be done unless it were imperative that probate should be taken out. Payment of duty to the Crown would be evaded.

The Hon. J. P. Jones.—I understand there is some process by which he can be dealt with now.

Mr. Snowball.—No, only where a person is sufficiently interested, and nobody would be interested in compelling an executor to take out administration, because it would only be to secure the payment to the Crown of the duty.

Mr. Eggleston.—I know the remedies are very inadequate. The Council has advised me of that.

The Hon. J. P. Jones.—If there is need to protect the revenue it must be done.

The Chairman.—And also the rights of people beyond the seas. Supposing a person entitled is in another part of the world, a man may administer the estate of a deceased person for his own benefit. Why should there not be some provision?

Mr. Prendergast.—That man could be dealt with otherwise.

His Honour Sir Leo Cussen.—Yes, there are provisions for dealing with him, but difficulties have been pointed out—that sometimes no one is very much interested in bringing the matter before the Court, and sometimes persons are deterred by the fear that the application will fail. This enables the Crown to take action against him.

The Hon. J. P. Jones.—It looks as if we should keep it in.

His Honour Sir Leo Cussen.—It is to be recovered as a debt; he is not prosecuted for an offence.

The Hon. J. P. Jones.—It should be a safeguard.

His Honour Sir Leo Cussen.—Yes. Of course, I think it would have to be administered with discretion. I think a man might innocently administer an estate without taking out administration at the time, and it might be a terrible thing for the Crown to prosecute and inflict a penalty. However, members of the Committee may feel that it would not be applied except in certain cases.

The Hon. J. P. Jones.—Is not this a clause that the Attorney-General could bring down an amendment upon in Committee—leaving the substance of the clause, but amending it in some way.

The Chairman.—But we give the man administering or obtaining probate six months to do it.

Mr. Snowball.—I do not think the Attorney-General would be inclined to fetch in an amendment on it.

The Chairman.—If a man dies and leaves property, the first thing the person administering his affairs does is to go to the Clerk of Courts if the estate is a small one, or to a solicitor if the estate is a large one.

Mr. Prendergast.—Is not this to enable the Crown to recover?

Mr. Snowball.—Yes.

Mr. Prendergast.—Then let the Crown protect itself in its Revenue Bill.

Mr. Snowball.—It has not the opportunity. If a case arises, and it frequently does, where in the administration of an estate one of the beneficiaries dies, the executor who has the estate in hand says—"This deceased's share is now represented by two persons. No one else can have a possible claim. I am going to pay over the money to these individuals without probate. The Crown will lose some duty; the only purpose will be to give the Crown its duty; we will not do that." Unless it is made a penal clause there is a very great danger of this being done.

Mr. Eggleston.—I think so.

The Hon. H. I. Cohen.—The difficulty I see is this: this section has a general application, and therefore it applies to estates under £200, in respect of which no duty is payable. A man may be practically the sole person entitled to an estate, and he may administer it and do no harm, yet under this section, strictly applied, he would be liable to a penalty up to £100.

His Honour Sir Leo Cussen.—That could be provided for by putting in some words, such as "takes possession of and in any manner administers any part of an estate of a deceased person which is liable to duty."

Mr. Prendergast.—What does Your Honour think of it, after hearing the discussions? — After hearing what the legal members of the Committee have said, I am rather inclined to leave it in, with the hope that the Crown will exercise discretion.

The Hon. H. I. Cohen.—I think there must be some qualification of the kind indicated.

Mr. Snowball.—Would Your Honour be agreeable to allow this provision to remain, with the qualification Mr. Cohen has suggested?—Yes, I should. Then, if that be so, do you think the word "personal" should remain?

The Chairman.—No, I do not think so.

His Honour Sir Leo Cussen.—I think it would be better to have the estate generally in 14 and 15.

The Chairman.—In regard to real estate he is under an obligation to take it out, because he cannot get the title if he does not.

His Honour Sir Leo Cussen.—He may say, "Very well, I will not take out probate. I have a family here, and we will be here for many years, and get a title by lapse of time."

Mr. Eggleston.—Very few people would take out probate if the only assets left were furnishings of the value of only £40 or £50. Therefore, having regard to section 128 of the Administration and Probate Act, there should be a limitation.

His Honour Sir Leo Cussen.—It looks a little odd to suggest to people that in small estates nothing need be done.

Mr. Eggleston.—It depends on what the purpose is? —Yes, if you put the purpose in—"for the purpose of collecting duty."

Mr. Snowball.—It is done every day where estates are not dutiable. Lawyers do not hesitate to advise

parties to administer without administration. That is frequently done.

Mr. Eggleston.—If the estates are such as they can handle personally.

Mr. Prendergast.—It might be a case where a father dies, and there is a house full of furniture. Nobody thinks of applying for probate in such a case; but you could do it under this.

Mr. Snowball.—There would be a penalty under this section.

Mr. Eggleston.—If this clause remains the suggestion made by Mr. Cohen would meet the case.

Mr. Snowball.—That would give general authority to people not to take out probate in regard to small estates.

Mr. Eggleston.—No; it could be so worded as to prevent that. They are protected otherwise. This is said to be designed for the protection of the revenue, and only for that purpose.

The Hon. H. I. Cohen.—I think it would be better to say, "This section will not apply where the estate is not subject to duty."

Mr. Prendergast.—In connexion with this clause, His Honour can bring up a further recommendation.

His Honour Sir Leo Cussen.—I am inclined to agree with what Mr. Cohen has suggested. Having regard to what Mr. Snowball has said, it is desirable to retain clause 14; but need that apply except in cases where the estate is dutiable?

Mr. Prendergast.—In connexion with these poor estates, it strikes me it is merely helping the Crown to come down on them. We are compelling them to go to a lawyer for the purpose of getting the matter settled.

The Hon. H. I. Cohen.—The clause I suggest overcomes that.

His Honour Sir Leo Cussen.—You see, it leads to inequality. One person with an estate of £300 takes out probate, while another person with an exactly similar estate does not, and does not pay duty.

Mr. Prendergast.—But supposing a father dies, and leaves £200 or £300 worth of things about the house, and his widow utilizes them to the best advantage, is it a fair thing she should be called upon to pay duty?

Mr. Snowball.—Small estates are exempt from duty.

Mr. Prendergast.—In the case of the father they are, but not in the case of the mother.

Mr. Snowball.—No, they are both exempt, and where it is the mother the Widow's Relief Act could be availed of.

The Chairman.—The Clerk of Courts deals with all these small estates, up to £500.

Mr. Prendergast.—But people do not know that. The first thing is, they go to a lawyer. He charges them all the same.

The Hon. H. I. Cohen.—A decent lawyer sends them to the Curator.

Mr. Snowball.—Lawyers send them there every day.

His Honour Sir Leo Cussen.—I think it is all right, because, after all, you must remember Parliament has said that duty shall be paid on estates over a certain amount. So long as that provision lasts, every one who gets an estate over that amount should pay the duty; otherwise, it means that some are paying, and some are not. This provision is designed for cases of that kind where duty is payable—that it shall apply to all people alike if the alteration is made.

Mr. Prendergast.—After all, that is to protect the revenue; and have we not plenty of means to do that, with Bills passing through the House? Every year or so a Bill comes up where you want to increase duties.

The Hon. H. I. Cohen.—But we are increasing the revenue. Do I take it that this is substantially a copy of 55 George III.?—Yes.

Would not that be applicable?—Possibly.

Then we are not altering the law. We are keeping the law as it is, but the revenue is protected. We only propose to make it less harsh in the case of small estates.

Mr. Prendergast.—That is so, but there are many small estates not paying duty at all to-day, where nobody would think of going in upon them, and, as His Honour says, we do not want to be too stringent.

The Chairman.—But the administrators of the law have the power to enforce this now, and the fact of their not having done so is very good evidence they act in reason. The great advantage of this is it gives us a general law relating to administration of estates which is not contained in the Administration and Probate Act. It is a public advantage in that way.

The Hon. H. I. Cohen.—Did I understand Your Honour to say it was not quite clear if this section of the English Act was in force?—I would not say it was absolutely clear; but I think it should be in force. I should think an argument against its being in force is this: This is an Act chiefly providing for the payment of duty in England, and that is a reason why it should not be held to be in force in New South Wales, and consequently in Victoria. Duties were collected at that time in New South Wales?—Perhaps they were.

Mr. Snowball.—The preamble to the English section says it is for the purpose of protecting the revenue.

His Honour Sir Leo Cussen.—Yes, that would be a good argument, and it is an argument that would have to be seriously considered. How would it do to reduce the penalty a little?

Mr. Snowball.—Have no penalty where no duty is payable.

His Honour Sir Leo Cussen.—Or how would it do to leave out the £100, and make them pay 10 per cent.?

The Hon. H. I. Cohen.—In the same way as with income tax if they are late in their payments.

The Chairman.—One is apt to lose sight of the fact that there have been cases in this State where men have died worth considerable sums, and the relatives have had to be dug up in some remote parts. Unless there was some penal provision it would be competent for some person administering affairs to help himself very generously.

His Honour Sir Leo Cussen.—Yes; the discussion that has taken place has led me to think that some such section is desirable, whether it is in force here or not. The question is—Could we not get all that is desirable by abolishing a fixed penalty, and making them pay an amount based on the duty that would be payable on the estate? That would get over the difficulty in regard to small estates to a very great extent, because they would have to pay very little, and large estates might have to pay a good deal.

The Chairman.—I should say, instead of fixing any forfeiture, leave the Court to do it, and say what was necessary.

Mr. Prendergast.—With the modification suggested by Mr. Cohen.

The Chairman.—Yes, in the one case they may say there should be a forfeiture of £500, and in another case 1s.

Mr. Snowball.—Pardon me for referring to the matter again, but does it not appear by this section that the payment of the duty itself is not imposed—merely 10 per cent. of the duty that would have to be paid. That is, £100, and a sum equal to 10 per cent. of the duty. It does not say 10 per cent. of the duty, and the duty in addition.

His Honour Sir Leo Cussen.—Of course, he would have to pay duty under the general section on taking out probate.

Mr. Snowball.—But if he says he is not going to take it out?—It is in the form of a fine. That is what it comes to. They would have to go under other provisions to have the will brought in. As Mr. Snowball points out, this section would not completely cure the matter. You could not force him to come in under the alteration, but it is some way of bringing pressure to bear, and pretty effective pressure, if he has to pay costs as well.

Do I understand you to say this 10 per cent. does not impose the duty?—Yes.

It is not in this clause. It says a further sum of 10 per cent.; not the amount liable to duty.

The Chairman.—That is payable by the person who has inter-meddled. It is not payable out of the estate.

His Honour Sir Leo Cussen.—The position seems to be this: it is doubtful whether it is in force. It seems desirable some provision of this kind should be in force, and by enacting some such provision, it may be said to be getting rid of a blemish. It is for the Committee to say what provision they would like enacted.

The Chairman.—Perhaps we had better consider that.

The Hon. H. I. Cohen.—What has Your Honour done in regard to 55 George III., Chapter 184, sec. 37?—It is in the repeal basket. I think you will see it is referred to in the Explanatory Table.

The Chairman.—We will now pass on.

His Honour Sir Leo Cussen.—Then there is clause 30, the one that was omitted from the English Bill.

The Hon. H. I. Cohen.—Your Honour referred to clause 17.

His Honour Sir Leo Cussen.—I think it was agreed that the word "personal" should be struck out of that. Clause 30 was in the old English Act, 22 and 23 Charles II., but it was omitted from the English Bill. Unfortunately, I cannot get a copy of that to see the reason why it was omitted. I never knew of its being resorted to in Victoria. Perhaps some of the gentlemen of the Committee could say whether it was or not. It is about beneficiaries giving a bond to refund.

Mr. Snowball.—We have no such bond.

Mr. Eggleston.—The general practice now is to get an originating summons.

His Honour Sir Leo Cussen.—I suppose it would be all right, and there is also a section in the Trusts Act under which you can act; but this is a case where the section of the Trusts Act is not resorted to.

The Hon. H. I. Cohen.—How on earth could you get a bond from a child?

Mr. Snowball.—You cannot pay them.

The Hon. H. I. Cohen.—They have been paid. You will remember the Mutual Trustees case. Steps were taken for paying individuals their share, and it could not be got afterwards.

His Honour Sir Leo Cussen.—Here is the old Act of Charles II., and that is in force. There is no doubt about that. I have never known it to be acted on here.

The Hon. H. I. Cohen.—I have never heard of its existence.

Mr. Eggleston.—Some cases of personal estate are mentioned; there is one in section 22 (2).

His Honour Sir Leo Cussen.—I think that was intentionally so limited.

Mr. Eggleston.—Under sections 9 and 10 of the Administration and Probate Act real estate is made liable?—Yes, it is. Of course, they are both liable.

I notice this one, going back to Edward I., provides for it.

His Honour Sir Leo Cussen.—Which one are you referring to?

Mr. Eggleston.—It is section 28.

His Honour Sir Leo Cussen.—Of course, I think that was only dealing with personal estate, and then the Administration and Probate Act came in as to real estate. The new clause is a combination of the two.

The Hon. H. I. Cohen.—There is the trouble and expense in taking out bonds under section 30. I do not think it warrants its extension, having regard to section 31 of the Trusts Act.

The Chairman.—This is if he does not proceed under section 31.

The Hon. H. I. Cohen.—No man would take this alternative. It says if he does not, then he must take bonds.

Mr. Snowball.—Why compel the administrator to take a bond if the beneficiary is liable to refund a due proportion of the share on the covering date?—That is the law now.

The Chairman.—It is easier to issue a bond and get judgment under Order 14.

Mr. Snowball.—The same procedure is adopted. You do not get judgment any more speedily.

The Chairman.—You can on a bond very quickly.

His Honour Sir Leo Cussen.—You see, property might have disappeared. You could not recover it that way; but on a bond he is liable.

Mr. Eggleston.—An executor could protect himself by getting an Order of the Court on an originating summons.

The Chairman.—He could protect himself by proceeding under section 31 of the Trusts Act. What harm would there be in leaving it?—I think we had better leave that. What is the next point?

The Hon. H. I. Cohen.—I doubt whether it is necessary. It is not in the English Bill. Evidently they thought it was wise to drop it out.

His Honour Sir Leo Cussen.—Perhaps we might return to it when a copy of the English Bill is obtained. At all events, it is omitted in the English Bill. I am sure of that. It is still unrepealed in England.

The Chairman.—And is in force?—Yes.

The Hon. H. I. Cohen.—The English Bill purports to be a consolidaton, does it not?—Yes.

The Chairman.—What is the next thing?—I think Division 3 is all right. It only refers to legal procedure; it is not of any general importance otherwise. It is really designed to impose conditions on the taking out of writs of certiorari. They are generally expensive matters, and it is desirable that provision should obtain. Then we come to Division 4—Charitable Trusts. I think this is very desirable It is practically a copy of the Act 52 George III.

The Hon. H. I. Cohen.—I see you say in your notes: "In Division 4, the Act 52 George III. c. CII. dealing with charitable donations is not consolidated. It is thought that the matter would be better dealt with by entirely new legislation."

His Honour Sir Leo Cussen.—I do not think that the Act is in force here; but it might be desirable to refer to it, simply for the purpose of calling attention to the fact when similar legislation is being dealt with. The English Act is called "An Act for the Registering and Securing of Charitable Donations." It says —"Whereas charitable donations have been given for the benefit of the poor and other persons in England and Wales to a very considerable amount, and many of the aforesaid donations appear to have been lost, and others, from the neglect of payment and the inattention of those persons who ought to superintend them, are in danger of being lost. . . . ," and it is provided that a memorial of property in charitable donations already founded is to be registered. We have no provision for registering here, and it might be desirable to re-enact that in subsequent legislation (not in this Bill) to provide in any cases of charitable donations amounting to over a certain sum there should be some registration.

Mr. Snowball.—We endeavoured to get a clause inserted in the last Charities Bill to provide for some registration of charitable bequests. It is urgently needed.

The Hon. H. I. Cohen.—That might be an appropriate place.

His Honour Sir Leo Cussen.—It further says—"This Act is not to apply to royal foundations or any charitable donation under the superintendence of any hospital, school, institution, nor to the governors of the corporation of the charity for the relief of poor widows and children of clergymen, nor to any friendly society, nor to the Universities of Oxford and Cambridge, nor to any college or hall thereto belonging, nor to any charitable bequest, devise, gift, or foundation," and so on.

The Hon. H. I. Cohen.—The exceptions are very great.

His Honour Sir Leo Cussen.—Yes, they are. I do not think we need delay in connexion with it.

The Chairman.—Is there anything calling for attention in Division 5?—Clause 39 is of some importance. It says:—"With respect to offences specified in the enactments set out in Part II. of this Act (so far as they are in force in Victoria) whether such offences are felonies, misdemeanours, or offences punishable by or before Justices, and with respect to all proceedings (preliminary or otherwise) in connexion therewith or on appeal therefrom, or for the enforcement of any sentence, judgment, or order in connexion therewith the practice and procedure in force in Victoria shall except so far as is otherwise expressly provided in such enactments be adopted as far as they are applicable. Where under any of such enactments any offence is punishable by a fixed maximum term of imprisonment such enactment shall be construed as if it provided for imprisonment for a term of not more than the term specified in such enactment, and where under any of such enactments a minimum term of imprisonment is specified, the Court or Justices may impose any shorter term of imprisonment, or may apply any appropriate provisions of the Victorian Legislature which are applicable to cases where terms of imprisonment may be imposed for such offences." For example, that enables justices to say they will impose a fine instead of imprisonment.

The Hon. H. I. Cohen.—I was wondering whether any of the old English Acts provided for a man to be imprisoned in stocks.

His Honour Sir Leo Cussen.—No, not in what I have here. I have left stocks out, if any were mentioned. I dare say there were some stocks, but they are now omitted.

The Hon. H. I. Cohen.—And the penalties are modernized?—Yes.

Mr. Snowball.—Section 39 seems to permit, even where there is a minimum penalty, that the Justices may impose a shorter term than the minimum?—Yes.

What is the use of the legislation?—If you are going to transcribe an enactment at all, you have to keep it as it is. This is a qualifying clause on all these enactments, to bring them all in accord with Victorian procedure, which is in almost all cases "not more than." There are certain cases where there is a minimum term fixed, such as in the Licensing Acts.

And there are minimum terms fixed in the Factories Act?—This does not apply to anything in Victorian law.

It would not operate?—No. It is only intended to cover these old English Acts. It would not apply under our Acts at all.

The Hon. H. I. Cohen.—In all cases Your Honour thinks the maximum is sufficient?—I think so. Practically, that is what it comes to. Although the minimum might be a sort of guide, that is all it would be; but this enables the Justices to depart from it if they wish to. Then in regard to section 44, I am afraid that here I was led on from one thing to another. I have started off by a reference to an old Act which enables one Judge to pass a sentence, although another Judge has presided at the trial. Then, as I went on, various other difficulties occurred to me, and a lot of this is my own; but it is only getting over casual difficulties. A Judge may be ill, and say—"I want a sentence of twelve months passed on a certain man," and this enables another Judge to go along to him and say—"I will impose the sentence for you." If a Judge were seriously ill you could not keep a man in gaol for an unreasonable time awaiting sentence.

The Hon. H. I. Cohen.—It might be a sentence letting that man out, yet he might have to be kept in gaol while that Judge was ill?—Yes.

The Hon. H. I. Cohen.—I think that is a very wise provision.

His Honour Sir Leo Cussen.—I want to make it quite clear that part of clause 44 and the whole of clause 45 are my own, suggested by various old Acts, but not covered by them. It is all to get over temporary difficulties.

The Hon. H. I. Cohen.—What is the purpose of section 43?—I would not object to clause 43 being left out. There are provisions in the Acts of Charles II. saying that sufficient guards are to be provided in Court. Supposing the Chief Commissioner of Police did not provide sufficient men?

Mr. Snowball.—It would be contempt of Court, and the Judge could deal with him.

His Honour Sir Leo Cussen.—Yes, it would be that.

Mr. Prendergast.—It does not hurt much, whether it is in or out.

Mr. Snowball.—I say leave it in. A Judge might want the protection of the officers.

The Chairman.—We will now go on to Division 6—Fires.

His Honour Sir Leo Cussen.—In regard to these fire clauses I have put in this Bill, I have taken them out of present Victorian legislation, because as to each of them, 46 and 47, they are in places where no one would expect to find them. The first one provides for the payment of insurance money and its application for re-building. That is in the Landlord and Tenant Act. Very often it may be applicable in cases where there is a tenancy; but it is also applicable in other cases.

The Hon. H. I. Cohen.—Section 47 is worrying me. We have been trying for generations to find out what "accidental" is.

His Honour Sir Leo Cussen.—The curious part about section 47 is that it appeared in the London Building Act; all the provisions of that Act except this, which is section 86 of that Act, are confined to London and its buildings; but it was also held that section 86 was a general section, and applied throughout the country. Then when they copied the London Building Act of that day in the Melbourne Building Act they also copied that section, and we have the same position arising here; we have a Building Act dealing primarily with buildings in Melbourne and nothing else, but we also have this section applying to the whole of Victoria. It is a terrible Act to understand, anyhow, and I thought it desirable to take this out of that Act and put it where you see it now.

The Hon. H. I. Cohen.—It has been dug out of the Melbourne Building Act for the Courts, and we have very frequently argued what the meaning of "accidental" is; but we have never got any light on it. I thought it was always referring to the English Act, and presumed to be in force here. I was surprised myself when I found it in the Melbourne Building Act.

His Honour Sir Leo Cussen.—Section 48 is consequential.

The Chairman.—What about section 49?—Do you think it is of any importance. I should say it had better go out. If any one thinks it is of any importance it could be retained. I think it is quite antediluvian now. They boiled pitch in the streets for paving roads. The conditions are not applicable now.

His Honour Sir Leo Cussen.—I think we had better take it out.

The Chairman.—I think so.

The Hon. H. I. Cohen.—That will go in the repeal?—Yes.

Mr. Snowball.—Had we not a case in this State not so long ago where an extensive fire was caused by some one in their own tenement starting to distil tar or some other substance that was highly inflammable? It caught fire, and two or more people were burned. I think it was in South Melbourne, and this person was using turpentine or some other inflammable substance in the preparation, in his own way, of phenyle. It was a very serious case.

The Chairman.—Was he distilling above the quantity of 10 gallons at a time? He knew he was quite safe.

Mr. Snowball.—Then there are other chemicals besides tar and turpentine which are quite as dangerous. We should leave it out.

His Honour Sir Leo Cussen.—Then we come to Division 7—Forcible Entries and Detainers. As you can judge from the marginal notes, they were, at one time, a very prolific source of legislation; but I have simply taken the Queensland code, which repeals them all and puts these provisions in their place. They seem to work satisfactorily enough, and I recommend they be adopted.

The Hon. H. I. Cohen.—I see the punishment is imprisonment and a very heavy fine.

His Honour Sir Leo Cussen.—The punishment is imprisonment or fine, and you may also have an action for damages. Then as to Division 8—Legitimation, I should be inclined to leave it out altogether.

The Hon. H. I. Cohen.—That is having regard to the Marriage Act, section 26, is it not?—The Registration of Births Act.

The Chairman.—Take the first sentence of that clause 53. Would the abolition of that have any effect?—I do not think so. In the first place, you must remember, so far as the Statute of Merton is concerned, it is the only justification for this provision. They were not making a new law; they were declaring a law that existed.

The Chairman.—It is common law?—Yes. I think that Division 8, clause 53, might go.

The Chairman.—Yes. Now we come to Division 9—Lotteries and Gaming, section 55.

His Honour Sir Leo Cussen.—I suggest that clause 55 may go.

The Hon. H. I. Cohen.—There is one question I raised. I do not know if Your Honour is aware of the fact that we had in Victoria a certain Act which repealed 14 Victoria 9. This is what happened; you will remember 16 Charles II., and an Act of Anne. They were repealed by 14 Victoria 9 and the *New Zealand Wagers Act* 1895, which is the same as 19 Victoria 2. That was passed shortly after the separation of Victoria from New South Wales, and that in turn repealed 14 Victoria 9. I was wondering whether Your Honour was aware of that Act 19 Victoria 2. It does not appear in your notes at all. I may say we criticised the wording of this section 55 in our House, and the view I took was that when you are designing a modern section it should be couched in modern language.

His Honour Sir Leo Cussen.—Yes; I quite appreciate that.

The Hon. H. I. Cohen.—I do not know whether Your Honour retained that language deliberately?—I did, so as to keep things exactly as they are, because the meaning of the expression, "other game or games," is decided by the words that go before it. They must be something of the same kind. That is the only guide I have to go on. Of course, if the Legislature draws out new words it is another matter; but I was keeping things as they were.

The Hon. H. I. Cohen.—Yes, I appreciateed that; but I thought we had greater freedom of language.

His Honour Sir Leo Cussen.—What would you suggest—simply say "any game"?

The Hon. H. I. Cohen.—Yes; strike out the enumeration of particular games.

The Chairman.—I suggest we do not discuss that now. That is a matter for the Legislature.

His Honour Sir Leo Cussen.—I content myself with saying all I desired was to leave things as they were. I may say "tables" means backgammon.

The Hon. H. I. Cohen.—Did you know that a number of prints of this Act show "dice tables" as one word—"dicetables"?—Yes; but that is not so in the revised Statutes.

The Hon. H. I. Cohen.—In several of the text-books the words "dice tables" appears as one word.

His Honour Sir Leo Cussen—[*After examining copy of the Statutes*].—They appear as separate words in the printed Statutes of the Realm.

The Chairman.—We had better leave that, because it is being considered by Parliament just now. We will confer with Your Honour again on this. We will now take section 56, which amends the Police Offences Act. Is there anything in that?—I do not think so. It was really to make the definition more complete, and to cover cases that might arise. I do not think there is much in it, and I would not be very much concerned if it was not enacted.

Mr. Prendergast.—Referring to section 55, are you allowing that to remain where it is until the law is altered?—It will be struck out of this Bill if the Bill now before the Houses is carried. Then we come to section 57. I do not think there is any objection to (*a*) and (*b*); but there may be a possible objection to (*c*).

Mr. Prendergast.—That includes roulette. That is practically only played by the Churches, at bazaars and so on.

His Honour Sir Leo Cussen.—Of course, you must remember, under clause 63, nothing in this provision is to affect section 88 of the Police Offences Act.

Mr. Prendergast.—But, then, generally the Attorney-General is engaged in granting permission. He declares that you can conduct a lottery while a bazaar is on, but not before or after it.

The Chairman.—That is in the Police Offences Act.

Mr. Prendergast.—But if you mention roulette here and it is not mentioned in any other Act, it will be debarred altogether.

Mr. Snowball.—The Attorney-General gives them a copy of the Act. He says, "You go on, but there is the Act."

Mr. Prendergast.—This does not alter the law?—There is no doubt 12 George II. says roulette is an unlawful game. I suppose it will be in force in New South Wales. The most important question is, Would it hold at the present time? Since the *Lotteries and Gaming Act* 1906 the Victorian Parliament, it may be contended, have dealt wholly with this subject, so that other Acts do not apply at all. In the case of *Moses* v. *The Attorney-General*, about 1906, one of these Acts was held to be in force, and a penalty was imposed, but that was before the *Lotteries and Gaming Act* 1906.

The Hon. H. I. Cohen.—It was for sending money to Tattersall's, or something of the kind?—Yes. The whole question with regard to these matters is, Would the Acts before 1828 be held to be applicable, or has the Victorian Parliament dealt completely with the matter?

The Hon. H. I. Cohen.—Some of these cases are not dealt with under the Police Offences Act, and it has to be considered whether the Police Offences Act can impliedly legitimize things previously unlawful?—Yes.

The Hon. H. I. Cohen.—I think we should stick to what we have here.

Mr. Prendergast.—You have to consult this Act here to find out what is the meaning of certain games; then we have our own Acts dealing with such questions. Why have them here at all?

The Hon. H. I. Cohen.—You are very lucky in having them here.

His Honour Sir Leo Cussen.—As a matter of fact, I was so impressed with the difficulty of dealing with the Lotteries Act that I put the whole of that in Part II.—the whole of them, starting from William III., and I think there were dozens of them during the reigns of the Georges. The readers in the Government Printing Office had adopted the plan of copying the thing out in manuscript, because of the curious printing in the old Acts, and submitting the manuscript to me, providing for the printing of the Bill afterwards. When I saw the space over which these old Acts extended it so horrified me that I did not put it in Part II., even though it would have been much easier for me.

The Chairman.—There is nothing in these other clauses to 63?—No, I do not think so. The next is Division 10—Maintenance and Champerty.

The Hon. H. I. Cohen.—Has there ever been a prosecution for maintenance or champerty in this country?

The Chairman.—Yes.

The Hon. H. I. Cohen.—You do not mean Kidson?

The Chairman.—In the early days there was one.

The Hon. H. I. Cohen.—I have never heard of one.

His Honour Sir Leo Cussen.—Going back to that Administration of Estates Act, and clause 30. This is the note that was made at the time the English Bill was introduced—Section 5, which is the section in question, is in part re-enacted in clauses 30 and 32. I think section 30 is practically our Trusts Act section 31, and clause 32 distribution on intestacy, and it says as to the rest, which I think is the part which appears in our clause 30, "Obsolete." I think that is the reason why I called attention to it. Apparently, they thought it obsolete there. They did not propose it to be re-enacted, at any rate. However, we might pass away from that now Personally, as to Division 10, I would be inclined to leave it out. I should say it is certainly in force, but whether any one is desirous there should be a prosecution for maintenance or champerty in these days is another matter. You, Mr. Chairman, think there was one. I have never known of one.

The Chairman.—I believe there was one. I think they have a record in the Law Department.

The Hon. H. I. Choen.—There had been very few cases, apart from prosecution.

His Honour Sir Leo Cussen.—I do not think it would do any one any harm if that were dropped.

The Chairman.—We will drop this. Then we come to Division 11—Marriage.

His Honour Sir Leo Cussen.—This is a statement of the persons within the degrees of consanguinity and affinity which may affect marriage. Our law differs from that of England. In England, if a marriage took place between persons related in that way it would be void; but we have never copied it. Here it would remain good unless one of the parties, during the lifetime of both, moved to have it annulled. If she or he did so move it would be annulled. It is based upon certain Statutes of Henry VIII.—there are a good many of his Statutes relating to marriage, as you can see. Of course, a great question arose in connexion with his first marriage, as to whether his brother's marriage with Catherine of Aragon had been consummated, and whether that rendered his marriage with her void; he claimed it did. There was an Act which set out that only those marriages should be void which are rendered void by God's law. That, I think, takes you back to some chapters in Leviticus, with certain extensions which are considered to come within the words, though not expressely stated. Then, I think, Queen Elizabeth, or some sovereign shortly afterwards, asked one of the Archbishops to compile a list of the degrees; that was published in the Anglican Prayer Book, and it has received judicial recognition.

The Hon H. I. Cohen.—I see Your Honour has substituted "His father's wife," for "his step-mother," and "Her mother's husband," for "her step-father." Practically, have they any effect?

His Honour Sir Leo Cussen.—I do not think so. To take an example of one of the prohibited degrees, this is the way it is expressed—"His father's brother's wife."

Mr. Eggleston.—Is that a prohibited degree?—Yes. What about his wife's sister?

The Chairman.—She is protected.

Mr. Snowball.—A man can marry his wife's sister.

His Honour Sir Leo Cussen.—A curious question arises about this. Section 42 of the Marriage Act says—"No marriage between any man and the sister of his deceased wife shall within Victoria be voidable or in anywise impeachable upon the ground only of such affinity between the parties thereto, any law usage or custom to the contrary notwithstanding." Then section 135 says—"The petitioner and respondent, where a decree nisi for dissolution of marriage has been made, shall on the decree nisi becoming absolute respectively be at liberty to marry again as if the marriage to which the decree relates had been dissolved by death." What is the position as to that?

The Hon. H. I. Cohen.—That does raise a point. That is whether he could marry his divorced wife's sister.

His Honour Sir Leo Cussen.—I am inclined to think he could not. At all events, it is there.

The Chairman.—That is a very definite statement, is it not?

Mr. Snowball.—It is frequently done.

His Honour Sir Leo Cussen.—Marriage to a divorced wife's sister?

Mr. Snowball.—Yes, marrying again. Are you inclined to think he could not marry his divorced wife's sister and his deceased wife's sister?—I should doubt very much whether this section was intended to apply to a divorced wife's sister. However, that is a very thorny subject to rake up.

He could marry his wife's sister?—Yes; his deceased wife's sister.

Mr. Snowball.—The only meaning of this would be that he could not commit bigimy. "His wife's sister" would be unmeaning.

His Honour Sir Leo Cussen.—That is governed by clause 66, which says—"Nothing in the last preceding section shall affect the meaning or effect of sections 42 and 135 of the *Marriage Act* 1915, or the meaning or effect of either of such sections, and for the purposes of construction the last preceding section shall be deemed to have been passed and to have come into operation before either of such sections." So that was intended to leave the thing just as it is—whatever it is.

Mr. Prendergast.—The only thing, apparently, is that it is adding more law to what is already on our books?—No; I do not think it does. It is a law that existed before the Deceased Wife's Sister Act came into force.

Mr. Prendergast.—That is adding more to ours. Then what about his wife's sister?

The Chairman.—I think there should be a note, "See next section."

Mr. Prendergast.—But, then, there ought to be degrees further away than that.

The Chairman.—Quite so.

His Honour Sir Leo Cussen.—Originally, I had it struck out of 65 (*a*). Then I thought I had better leave it in, in exactly the same position as it was, as if the Victorian legislation had been passed after it. It is curious that he can marry his deceased wife's sister but he cannot marry his deceased uncle's wife—if he wanted to do that.

The Hon. H. I. Cohen.—Or his deceased nephew's wife?—That is so.

Mr. Snowball.—Does it seem reasonable to include "wife's sister" in this list?

The Hon. H. I. Cohen.—If we do not we interpret that section 135 of the Marriage Act, and have we any right to do it?

The Chairman.—Are we doing so?—If you take "wife's sister" out of 65 (*a*), this section would not be wanted.

The Hon. H. I. Cohen.—Nor would section 32.

His Honour Sir Leo Cussen.—I mean section 32 would not be wanted.

Mr. Prendergast.—But would that affect the position as put just now; that is, the divorced wife's sister. Does it apply there?—We have left it doubtful, just whatever it is.

The Chairman.—His Honour says it is doubtful now, and we should not now attempt to settle it.

Mr. Snowball.—Does not the Act say after divorce the parties can marry as if the marriage had been terminated by death —Yes.

Does not that bring us back to the position in which our law says a man may marry his deceased wife's sister? The Act says the position shall be as if his wife had died?—Yes, I agree that is a strong argument; but I think it might be put that that is a

general provision about the divorced parties, and it should not be affected by a special provision passed to meet a special case, and that was intended by the Legislature only to apply to the case it was designed to meet. I admit the argument is fairly open; but I do not want anything done in this Bill to decide the question in one way or the other, and the way the difficulty is got over is to state all the degrees just as they were before the Marriage Act was passed, and say nothing is to affect the effect of section 32 of the Marriage Act, which is construed as if passed after this. That also applies to section 135 of the Marriage Act. I should prefer to leave it that way. Then I do not think there can be any doubt things are left as they are, whatever they are.

The Chairman.—You had better let this stand.

Mr. Eggleston.—Do the degrees in relation to women correspond exactly?—Yes. Of course, it might be said it is not necessary to set them out; but I think it should be made very plain.

The Hon. H. I. Cohen.—They are put in exactly the same order?—Yes. I think it is convenient to have both of them. They only consolidate the Acts that have been passed in England. I think they are desirable. Then, taking Division 14—Servants' Characters, that raises the question of whether you think it is desirable to have it in Victoria. I call attention to some matters in connexion with that. Two of those sections, I think, were copied in the Employer and Employees Act and were afterwards repealed and not re-enacted. The rest of the Act was not touched. I do not know if members of the Committee have been able to go through this. The penalties are not very heavy, not more than £20, and it relates to personation to intended masters and mistresses, knowingly giving false certificates, altering certificates, certificates of character, and so on.

The Hon. J. P. Jones.—No penalty is provided at the present time other than this to deal with these things?—No, only the penalty in that old English Act that is referred to there, 32 George III. There is nothing else.

Mr. Prendergast.—It is £20, is it not?

The Hon. H. I. Cohen.—It might be 20s.

His Honour Sir Leo Cussen.—You might have a very bad case.

Mr. Prendergast.—But they would be liable under another law.

His Honour Sir Leo Cussen.—No; I do not see what law they would be liable under if they did not obtain a benefit from it. They might be liable for obtaining money by false pretences, but this is intended to deal with other cases besides that.

Mr. Prendergast.—It says, "Falsely and wilfully pretends not to have been hired or retained in any previous service."

His Honour Sir Leo Cussen.—Which one are you referring to?

Mr. Prendergast.—Sub-clause (*e*).

His Honour Sir Leo Cussen.—That means that he makes a distinct statement.

Mr. Prendergast.—Yes, it might be; but if we let a man out on probation, and if we ask him if he has been there previously, we can trace the fact that he has been punished for some offence. He has paid the penalty, and he is trying to be honest.

Mr. Snowball.—It is a very heavy penalty.

The Hon. H. I. Cohen.—It is not a heavy penalty, because it is "not more than £20".

His Honour Sir Leo Cussen.—It might be 10s. for a first offence.

The Hon. H. I. Cohen.—It might mean ousting a person from a position that he would otherwise have got.

Mr. Prendergast.—I would not like to see a person dismissed or compelled to answer a question like that when obviously their intentions are honest, and they are trying to reform.

His Honour Sir Leo Cussen.—It might be hard in a case of that kind. If he did not answer the question nothing could happen to him.

Mr. Prendergast.—These are the "hard-luck" cases.

His Honour Sir Leo Cussen.—This is the Act as it stands. That is all I can say.

Mr. Prendergast.—What do you think about reducing the penalty?—I do not object. You can make it £10 instead of £20.

The Hon. H. I. Cohen.—Make it £10.

His Honour Sir Leo Cussen.—Very well.

Mr. Prendergast.—"Of which one moiety shall go to the informer." I would cut that out altogether.

His Honour Sir Leo Cussen.—All right. I think none of the rest is of any importance. Then, with regard to the Sheriff, some one has said that if a book were written on the decline and fall of the Sheriff, it would be a complete history of the English law, because the Sheriff at one time was a very great man, and nowadays he is an officer of the Court to carry out the execution of writs and things of that kind. He is a High Sheriff in England from one point of view. At one time he was the Vice-roy in the County, and did all kinds of things. They have passed an Act in England, 50 and 51 Vict., Chapter 55. This Act was a complete consolidation of all the Acts relating to Sheriffs in England and here practically. What I have done is to go through that Act and to take out all the provisions of it which I think are applicable in Victoria, having regard to the different position of the Sheriff in Victoria, which is pointed out in the Explanatory Paper, that is to say, there is now only one Sheriff in Victoria, but he is put for many purposes in the same position as the Sheriff in England, and there is also the fact that he is a public officer, but I have gone through 50 and 51 Vict. very carefully to pick out those provisions of it which might apply in Victoria. I consulted the late Sheriff about it, as to whether he saw any objection to these provisions, and he informed me that he did not, but they were somewhat technical, and, perhaps, the first of them is of some public interest, clause 74.

The Hon. H. I. Cohen.—There is a precedent for it in the Queensland code.

His Honour Sir Leo Cussen.—If you look at the Schedule to the English Act you will see the sort of thing that you might have to go through if you did not do something.

The Hon. H. I. Cohen.—We are much indebted to Your Honour for culling them out in the way you have.

Mr. Eggleston.—I had a youngster arrested once, and he was put in the Melbourne Gaol in company with two men arrested for the Northcote murder, and he was nearly frightened out of his life.

His Honour Sir Leo Cussen.—That was a wrong thing to do. I thought they had a separate place.

Mr. Prendergast.—That is the blunder of an official more than anything else. Without any law at all, they could deal properly with a thing of that kind.

The Hon. H. I. Cohen.—Sub-section (*c*) is all right.

Mr. Snowball.—The person arrested would not be likely to know that he had that privilege of naming some place to which he could be taken when arrested for a civil debt. It should be a duty put on the Sheriff.

His Honour Sir Leo Cussen.—It is in section 78 (2).

The Hon. H. I. Cohen.—He would be unlawfully imprisoned if he were taken there before twenty-four hours and put in gaol.

Mr. Snowball.—This hardly meets the point. It does not put the obligation on the Sheriff to make known to the person concerned. It merely says that it shall be delivered to the bailiff officer or other person employed to execute the same, and not to the person arrested. There is no provision that he should be informed of the fact that he has that right.

The Hon. H. I. Cohen.—You have to assume a deliberate infringement of the Act by the person who arrests.

Mr. Snowball.—It says that the person arresting, if the Sheriff sends his officer to arrest, he shall inform him of the fact that the person to be arrested has this right. The person arrested is really the person concerned in that. There is no provision that he should be informed of it.

The Hon. H. I. Cohen.—If the Sheriff or his officer were to take a person to gaol within twenty-four hours of his arrest that would be a wrongful imprisonment, and he would be liable under section 79.

Mr. Snowball.—Yes, but section 78 says that the officer shall not take such person to gaol within twenty-four hours of his arrest unless such person fails to name or refuses to be carried to some safe and convenient house of his own nomination.

The Hon. H. I. Cohen.—He has to ask him to name a place, and if he does not, and puts him in gaol, he is liable for wrongful imprisonment.

The Hon. J. P. Jones.—The person arrested is supposed to know the law, and I suppose the Sheriff's officer is made acquainted with it in order that the Sheriff may not get into trouble for wrongful imprisonment.

Mr. Snowball.—Suppose a person is arrested and locked up, and the Sheriff is called upon to explain why he did not give the man the opportunity, and he says, "He failed to name the place where he wanted to go, and there is no obligation on me to ask him."

The Hon. H. I. Cohen.—By implication there is an obligation.

Mr. Prendergast.—This is not altering the law, is it, Your Honour?—No, but I see what Mr. Snowball means in connexion with it, and I have been anxious to see whether there are any of the provisions of the English Act which have been omitted, and which might be of importance. There is a clause which I have not copied, that it shall be part of the conditions of every security, given to any Sheriff by any bailiff that such bailiff, &c., will show a printed copy of this section to every person whom he arrests, and goes with to any house where intoxicating liquor is sold, and also permits such person to read over such copy before any such liquor or food is called for. That seems to apply only to houses where liquor is sold, but, if desirable, it could be added.

The Hon. H. I. Cohen.—I did not think it is necessary, having regard to the last part of the section. He has to give him free board and lodging, and supply him with everything he wants in the way of food and liquor and bedding, and shall not charge for the same. I think his duties are perfectly plain.

The Hon. J. P. Jones.—It says here, "Unless such person fails to name or refuses to be carried."

His Honour Sir Leo Cussen.—Yes, he cannot take him to gaol within twenty-four hours without asking those questions. That would be unlawful, but he might not, of course, know all his rights relating to these matters, but if the officer breaks them he is liable to be prosecuted.

Mr. Snowball.—Does Your Honour think that a bailiff arresting under a warrant and not explaining to the person arrested that he had this right, could be convicted of an offence for neglect of duty merely because he did not explain?—No, I do not mean that. I mean if he did anything contrary to this section he could be convicted of an offence. That is, if he took him to the private house of the officer he could be convicted, or if he put him in gaol within twenty-four hours without asking him he could be convicted, I should think.

This does not say "shall ask him"?—No, but he could not refuse to be safely carried to a safe and convenient dwelling house of his own nomination unless he had asked.

The Hon. H. I. Cohen.—Before a Sheriff could show that he had refused he would have to show that he had asked.

Mr. Snowball. — You could not get a conviction against the bailiff, because he would say he never said he would go anywhere else. I think it might be met by the insertion of those words "imposing on the bailiff the duty."

His Honour Sir Leo Cussen.—"Of showing him a copy."

Mr. Snowball.—Yes.

The Hon. H. I. Cohen.—You could add, "Who shall show the same to the person arrested."

His Honour Sir Leo Cussen.—Very well. I do not think it is a bad idea at all.

The Hon. H. I. Cohen.—It will have to be, "Who shall show such copy."

His Honour Sir Leo Cussen.—Yes. Now, this Division relating to solicitors. Have any of you gentlemen been through that?

The Chairman.—I was through that last night. It seems to be all right.

His Honour Sir Leo Cussen.—That seems to be in the same position as "Sheriffs" is.

The Chairman. — Under section 88, for example, several cases have occurred in which penalties have been imposed.

His Honour Sir Leo Cussen.—If you will look at the Schedule to the English Consolidating Act, 6 and 7 Vict., Mr. Chairman, you will see the kind of thing you would have to do if that Division were not enacted.

Mr. Prendergast.—Does this require any alteration in connexion with solicitors?—No; I do not think so. Section 94 merely makes a correction, which I think is better here than in an ordinary Statute Law Revision Act, because it fits in with the tables. I do not think you need trouble about 94. It is a mere correction. Ninety-five is perhaps a little more important. It was adopted in New South Wales, and then it was repealed; but I do not think it ought to have been repealed, because it is an Act delaing with piracy, and so far as it is of any importance here, it reduces the punishments they used to inflict for identical offences, which were very severe; and I think it was a mistake that its adoption was ever wiped out. It ought not to have been repealed. I think it was an accidental repeal.

Mr. Prendergast.—I think three years is a pretty stiff sentence now, because you can impose indeterminate sentences.

His Honour Sir Leo Cussen.—The only effect of this is to reduce punishment.

Mr. Snowball.—This increases from three to ten, does it not—the effect of this section?—The position, I think, is this. The Act 7 Will. IV. and 1 Vict. reduces punishments very substantially; but one of the reduced punishments is three years' penal servitude, or transportation for fifteen years, or something like that. Transportation, of course, would not apply in Victoria, and as it is a serious offence I simply brought it into line with our other punishments for serious offences. The English Courts, at the time this Act was passed, could transport a man for fifteen years or impose penal servitude, if it was a smaller offence, for three years. We cannot have transportation, and we must substitute something for it. It says, "Whosoever shall be convicted of any offence which by any of the Acts hereinbefore referred to amounts to the crime of piracy, and is thereby made punishable with death shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years." Of course, we have no transportation, and it merely means that it is brought into line, I think, with ordinary felonies, and a provision of ten years is made.

The Hon. H. I. Cohen.—Yes; it might be a very serious case. It is a maximum penalty, so there is no harm done.

Mr. Prendergast.—I was saying just now that, in addition to short penalties, we provide indeterminate sentences—another means of being able to catch people

who are guilty of very serious offences. I would not give some Courts the power of being able to award high sentences, because they always seem to go to the limit.

The Hon. J. P. Jones.—You may have a very serious offence under this.

Mr. Prendergast.—Yes; but there are other means of dealing with a man—indeterminate sentences.

The Hon. J. P. Jones.—There may not be evidence of his having committed the piracy crimes frequently. That is the way you award indeterminate sentences.

His Honour Sir Leo Cussen.—You can only declare him an habitual criminal when he has been twice convicted; but you can give him an indeterminate sentence without his having been twice convicted. Of course, many young offenders get an indeterminate sentence in a reformatory prison. It must be in a reformatory prison. You cannot send him to gaol. Section 96 is merely consequential; but there is a section which I should like to add, and which, strictly speaking, does not come under the Acts prior to 1828. In England they have passed an Act abolishing the Common Law offences of badgering, engrossing, forestalling, and regrating, and I think it is desirable that that should be copied. There are a great many Acts relating to forestalling and regrating; but they all fell into the repeal basket. But Lord Parker called attention to the fact that the Australian Legislature had not copied this Act of 7 and 8 Vict., which abolished the Common Law offences; and it ought to be considered whether they should do so. I think they ought to do so. They are quite out of date. The powers were very wide in those days. If you did various things in those days you were guilty of forestalling.

Mr. Prendergast.—Do you think it should be inserted?—I think it ought to be inserted.

The Chairman.—We will have it in.

His Honour Sir Leo Cussen.—It is rather interesting to see that in this Act which I propose to embody, it says, "The several offences of badgering, engrossing, forestalling, and regrating are hereby utterly abolished, and no information, indictment, or prosecution shall be commenced or prosecuted against any person for or by reason of any of the said offences or supposed offences. Provided that nothing in this section contained shall be construed to apply to the offence of knowingly and fraudulently spreading or conspiring to spread any false rumour with intent to enhance or decry the price of any goods, wares or merchandise, or to the offence of preventing or endeavouring to prevent, by force or threats, any goods, wares or merchandise being brought to any market, and every such offence may be inquired of, tried, and punished, as if this Act had not been made." You were asking about Part II.

The Hon. H. I. Cohen.—Yes, I do not know if you went through the whole of that this morning.

His Honour Sir Leo Cussen.—Yes. Mr. Chairman, may we go through this shortly to see that I understand what is approved of, and would the Committee be good enough to state whether they will have another meeting at which a Bill would be submitted to them containing the suggestions now made, and omitting those that it has been agreed to omit. Would that be the way to do it?

The Chairman.—Yes.

His Honour Sir Leo Cussen.—I understand that in Part II. Division 4 is to go out and that Division 8 is to go out.

The Hon. J. P. Jones. — I got some information about that from two sources. One man told me—an experienced man in the woollens, who said that he did not think it was possible that the logwood would be used now. I communicated with Lawrence's, the dyeing people, and I asked about it, and they said, "We used a good deal of logwood during the war because we could not get other dyes, but we only use it now for dyeing feathers, and then they have to be chromed," but, generally speaking, he said logwood is not a dye that is very much used now.

Mr. Prendergast.—What is the object in prohibiting it?

The Hon. J. P. Jones.—This man that I spoke to about it was well conversant with the woollen industry in England, and he said, "I do not know, but I should imagine that it was inserted so that it would not be used in the dyeing of cloth for the Civil Service." He said, "That is what I think it would be put in for." He said they found that in the making of clothing for the Crown the Crown were frequently robbed and taken down in regard to the class of dyes used. There was always trouble about it in the old days.

Mr. Prendergast.—We are going to prohibit the use of this dye which is domestically used.

His Honour Sir Leo Cussen.—We are going to strike the whole thing out. Division 25 is to go out. Part of 26, I understand, is to go out—two Acts of Charles I., and 27, but 27 is to be consolidated in Part III., as in the Queensland code. Coming to Part III., I am not quite sure what the position about this clause 30 (Administration of estates) is, whether we could leave in that clause.

The Chairman.—As to clause 17, are you going to leave out the word "personal"?—Yes. The other clause was 30.

The Chairman.—I think we had better omit it. As regards clause 31, you will add section 15 of the Administration Act?—Yes.

The Chairman.—And as to sub-clause (6) of clause 31, the Committee would like to consider that again.

His Honour Sir Leo Cussen.—I will leave it as it is for the present. As to "Fires," I understand clause 49 is to go ut, and Division 8, section 53, is to go out. Division 10 is to go out. Section 70, at the end, is to be slightly altered.

The Chairman.—Seventy-eight is to be amended. We will let you know where the draft is ready, and in the meantime the Committee will meet and have a chat over those.

Mr. Snowball.—Going back to that wife's sister question, would it not be a fair and reasonable thing to make the law clear. It seems such a pity when we are dealing with this matter to send it on. We do not know what it means. It does not look as if it meant that that was not a prohibited degree. We feel like that, and I think Your Honour indicated that that was the position, that it was not an offence to marry a deceased or divorced wife's sister.

His Honour Sir Leo Cussen.—I am quite clear as to a deceased wife's sister. There is no doubt about that.

Mr. Snowball.—Should we leave it in its present state?—I should have no objection, if the Committee desires, that the wife's sister should be cut clean out of it.

The Chairman.—You think that if we did that we might possibly be making a substantive alteration, right along?—Yes, and it is a very thorny subject. I do not feel clear about a divorced wife's sister. I do not know. It may be so. A deceased wife's sister—there is no doubt about that.

Mr. Snowball.—And yet we say in this consolidation, that it is within the prohibited degree.

His Honour Sir Leo Cussen.—Subject to the section.

The Hon. H. I. Cohen.—Have you ever thought of the consequences, Mr. Snowball, of all sorts of troubles arising?

Mr. Snowball.—It is a very sad prospect.

The Hon. H. I. Cohen.—It is a very sad prospect to think of a man marrying his divorced wife's sister.

The Chairman.—There was a case in the Courts in which the deceased wife's sister has been held to be the temptress.

His Honour Sir Leo Cussen.—The question is whether it ought not to be debated at length.

The Hon. H. I. Cohen.—It is a question of policy and principle, and the House might like to talk about it.

Mr. Prendergast.—It would be better not to touch it here.

The Hon. H. I. Cohen.—It opens too wide a question for us.

His Honour Sir Leo Cussen.—Mr. Chairman, do you think it would be desirable to ask the opinion, or to have before you any other person or persons in connexion with this matter?

The Chairman.—I would like to know what you suggest. I do not think it is possible that any one has given the same thought and time that you have given to it.

His Honour Sir Leo Cussen.—Perhaps not, but I thought you might like to ask questions of some one else.

Mr. Prendergast. — Was there any one associated with you in connexion with this matter?—No.

The Chairman.—I will have a chat over that with the Committee.

His Honour Sir Leo Cussen.—Very well. I will get this done as soon as I can.

The Committee adjourned.

(*State Parliament House.*)

FRIDAY, 20TH OCTOBER, 1922.

Members present:

The Hon. A. ROBINSON, C.M.G., in the Chair;

Council:	*Assembly:*
The Hon. H. I. Cohen, K.C.,	Mr. Eggleston,
The Hon. W. H. Edgar,	Mr. Prendergast,
The Hon. J. P. Jones.	Mr. Snowball,
	Mr. Wettenhall.

His Honour Sir Leo Cussen was also in attendance.

The Chairman.—Since our last meeting you have revised the draft Bill in accordance with the points that were raised at the discussion. I think it would probably be the shorter way if you were to deal with them in their order.

His Honour Sir Leo Cussen.—Yes, I have done two things, as members may notice. In the first place, I have combined the two papers, which were previously the Preliminary Explanatory Paper and Addendum, and have put them into one, and I have made the necessary alterations brought about by the fact that the numbers of some sections were altered, and that some enactments were transferred from the First Schedule into the Repeal Section, and matters of that kind; but otherwise there is not very much alteration in the Explanatory Paper, except that it can now be read with the Bill as at present drafted.

The Hon. H. I. Cohen.—Is it proposed that the Explanatory Paper shall be printed?—I assume so.

The Hon. H. I. Cohen.—It is very valuable.

The Chairman.—Yes.

His Honour Sir Leo Cussen.—The important alterations are those which affect clauses 30 to 33 in the Statute of Distributions, and so far as any alteration in the law is concerned, the most important alteration is that appearing in clause 31, which, in accordance with the views expressed at the last meeting of the Committee, brings into line the provisions regarding the mother's share in a small estate with those relating to a widow's share in a small estate. It was pointed out on a previous occasion that whereas in the case of a widow £1,000 was secured to her in any event, whether the estate exceeded £1,000 or not, the share of the mother, £500, was only given to her in case the estate exceeded £500, the result being that if it were £499, she got the lot, but if it were £501 she would share with brothers and sisters, and might get only a quarter or a sixth, or some other such smaller share. I understand that members of the Committee thought that on the attention of Parliament being directed to the alteration, the two clauses should be brought into line, and therefore clause 31 may be taken to be merely a repetition with the necessary modifications of clause 30. There was also a provision in the Administration and Probate Act relating to the widow in a certain event getting an administration without the necessity of entering into a bond; that has also been applied to the case of the mother.

The Hon. W. H. Edgar. — Would that be quite irrespective of the value of the estate?—Her claim for £500 would be quite irrespective of the value of the estate; that is to say, if it is under £500 she gets the lot, and if it is over £500 she gets £500 before she starts to share with the others.

Mr. Prendergast.—It is really not an alteration; it is clarifying the law.

His Honour Sir Leo Cussen.—It is an alteration; there is no escape from that position, but it is an alteration which is justified by reference to an analogous provision relating to the widow, and it is much more satisfactory than it was before.

Mr. Snowball.—It would appear to be giving expression to the will of Parliament in connexion with the legislation relating to it.

His Honour Sir Leo Cussen.—I should have thought so; I think that if Parliament had had their attention called to it they would have done it on the last occasion, but you will remember that it was passed on 20th December, and possibly——

Mr. Snowball.—At half-past 2 in the morning.

The Chairman.—I would suggest that we agree with this, and in the report to Parliament we draw specific attention to each of these, so that every member of the House is informed of the general nature of the variation.

Mr. Prendergast. — Personally I agree with this alteration.

The Chairman.—In connexion with that section 31 all that has been done is to give the mother, in the circumstances of course, the first charge on the estate up to £500, and she need not enter into a bond for administration.

His Honour Sir Leo Cussen.—For getting the insurance money.

The Chairman.—I think we may take it that that was, at any rate, the desire of Parliament, if not its intention as expressed in words. It seems hard to imagine that Parliament would have said, if their attention was directed to it, that in the case of a widow they were going to make one set of provisions, and in the case of a mother an entirely different set.

Mr. Prendergast.—I am in favour of both these amendments here, and the amendment of the law in that direction.

Mr. Eggleston.—This does amend the law.

The Chairman.—Yes; and I think this carries out Mr. Blackburn's original idea.

Mr. Eggleston.—Is there anything to determine how the value is ultimately to be realized or fixed?—There is not at present; I suppose it is a question of fact if there were a dispute between the beneficiaries.

Mr. Snowball.—Would it be possible to adopt the provisions contained in the Trustees Companies Acts, adopting for the purpose of this section the sworn values. Under those Acts provision is made for the payment of commission to trustee companies for that purpose, and sworn valuers make valuations which are checked very keenly by the deputy officer in passing the statements. Might it not be possible to take that provision—otherwise it might be difficult to give effect to this?

His Honour Sir Leo Cussen.—Yes, I can see there might be difficulties. No difficulties seem to have occurred in practice, but it seems to me there might

be a danger if you allowed the person who gets administration and discloses the estate to determine it by her sworn valuation, even if it is adopted by the probate officers.

The Hon. H. I. Cohen.—There is no doubt about that. I have a case, which is *sub judice*, where a particular house in an estate was sworn at £450, the circumstances being that the sworn valuer was not allowed to go near the house by the occupants of it; they threatened him with a shot gun. Now it has been sworn since by two valuers that it is only worth £300, and £290.

Mr. Snowball.—We have cases frequently where you get a sworn valuation of, say, £450, and the property realizes £750.

The Chairman.—This clause is to get over all those troubles.

Mr. Snowball.—But does it? In connexion with the question of the bond, for instance, how is the Registrar to come to the conclusion that in fact this estate is so much.

His Honour Sir Leo Cussen.—I do not know that the Registrar would refer to this section for the purpose of fulfilling his duties. While it might be a great advantage as to fix it with certainty, I think it might be dangerous; it might not be right.

Mr. Eggleston.—I think it is better to leave it as a question of fact; besides, it will work itself out, because when the estate is realized she will get £500.

His Honour Sir Leo Cussen.—It does not seem to have caused difficulties; no difficulties seem to have arisen in England about it.

Mr. Snowball.—With regard to the provision for dispensing with the bond where it is a life policy, there is no difficulty in fixing its value; that is fixed by the certificate of the insurance company.

His Honour Sir Leo Cussen.—That is all it applies to.

Mr. Snowball.—That is all

His Honour Sir Leo Cussen. — There is another matter. I have made it plain in sections 30 and 31 that the provision only applies if the man dies wholly intestate. It has been decided that if a man makes a will, and dies intestate as to part of his estate, the ordinary Statute of Distributions applies to that part; but then the question arose—does this provision giving the widow £1,000 apply to that, so that she could say, "As to £1,000 outside his will he died intestate, and I take the lot?" They have decided that it does not apply in such a case.

Mr. Wettenhall.—That is in a case where he really left more than he anticipated.

His Honour Sir Leo Cussen.—Yes, he has not put it in his will; he gives a specific distribution in the will, and then it is found, in addition to the will, possibly because he has got some share in an estate, that he has got some more money. As to that he dies intestate, and as to that the ordinary provisions of sharing in intestacy would apply, or he might give it to a person who dies before him.

Mr. Prendergast.—There may be two amounts paid to the same person—one under the will, and the other might be in an intestate estate.

His Honour Sir Leo Cussen.—It would have that effect, but it would also apply where the person claiming did not get anything under the will—for example, a mother—it would apply to that too.

The Chairman.—Is there anything in clause 32; I see the footnote is in the wrong position?—Yes, I saw that.

I was going to ask you whether the principles about no representation, and so forth, are all taken from the Statute of Distributions?—Yes, those three Acts; two of them are Charles II. and the other is James II.

That marginal note covers the whole of that clause? —Yes.

Mr. Eggleston.—You are retaining the preference to the father here?—Yes, that is as it stands at present.

What do you think about that?—Well, that again is a question of policy; it may be said that very often the father has supplied his son or daughter with the means of starting in business or something of that kind.

The mother is treated on an equality with the children?—Yes, apart from the special gifts.

The Chairman.—I see you have inserted a clause—33—defining the meaning of "estate" and "part of an estate" in lieu of using the word "surplus."

His Honour Sir Leo Cussen. — Yes, that also should be called attention to.

The Chairman.—What is the next thing?—The next thing of importance, I think, is division 15, page 65.

The Hon. H. I. Cohen.—Before you leave that; the effect of that foot-note is merely informative—what the text-books might tell us; it is not intended to be read with the text.

His Honour Sir Leo Cussen.—No, the Acts Interpretation Act says not.

The Hon. H. I. Cohen.—I thought not; it is just merely informative?—Yes.

Mr. Snowball.—Going back to clause 32 and that qualification as to the advancement of moneys during the life time; there is no exception made where it should appear in the settlement. Would this legislation be hard and fast, and compel such moneys to be brought into account in connexion with the administration?

His Honour Sir Leo Cussen.—Well, of course, I have only copied as I understand the existing provisions of the law, and it only means an advancement of a substantial character—for example, a father has given one child £1,000 to start him in business at the age of 21, and he has another child of nineteen, in dividing the estate the child who got the £1,000 should notionally bring it into the estate. Supposing the estate was £5,000, he would say, "Well, I got £1,000; I will bring that back, and the estate ought to be divided as £6,000; I will get £3,000, and my brother will get £3,000." That results, of course, in his only getting £2,000 out of the estate, but with the £1,000 he got before that makes it equal. That is the idea I think. I do not think it refers to small sums in the way of ordinary family gifts or Christmas boxes.

Mr. Snowball.—It is very general; it is very wide.

The Chairman.—That is the law at present.

His Honour Sir Leo Cussen.—I think so.

Mr. Snowball.—It is doubtful at times as to certain moneys received by a child as to what extent it would come under that.

His Honour Sir Leo Cussen.—Yes, it is doubtful.

The Hon. H. I. Cohen.—Which clause is that?—Clause 32, sub-clause (6).

The Hon. J. P. Jones.—But this is in a large measure a clarification of the point in dispute before?

Mr. Snowball.—No, it does not clarify it; it leaves it just as it is.

His Honour Sir Leo Cussen.—Yes; but it might be very difficult to clarify it, and not get the benefit of a great number of decisions on the thing as it stands. If you go to the text-books you would probably get the information necessary, but if you tried to put it into other language you might make a mistake.

The Hon. J. P. Jones.—If Mr. Snowball can find a formula there is nothing to prevent an amendment of the clause when it is before Parliament.

Mr. Snowball.—I have often felt in connexion with such definitions that there should be some indication on the part of the parent that it was intended to be treated as part of the share of the child.

The Hon. H. I. Cohen.—But if it is an intestacy, it is impossible to specify in an Act of Parliament what ought to be done. It seems a very fair thing. The

testator in his will directs that it shall be brought into hotch-pot perhaps, but where there is no will there is no such indication.

His Honour Sir Leo Cussen.—I did not understand Mr. Snowball to be debating the question as to whether it is desirable or not, but whether it could not be made clear.

Mr. Snowball.—As to the difficulty of deciding at present whether money given to a child during the lifetime should not in an ultimate intestate distribution be brought into account; in some cases it might be clear that the money was put into some venture, and was wholly lost.

The Hon. H. I. Cohen.—The first part regarding settlement is clear.

Mr. Snowball.—Yes.

His Honour Sir Leo Cussen. — The words of the Statute are "advanced by the intestate during his lifetime"; that is in the Statute of Charles II.

The Chairman.—Section 49 of the Property Act passed in England expressly mentions this.

His Honour Sir Leo Cussen. — I think they go further there; they take the sums given in his will. It is like so many other matters arising out of the Statute of Distributions, where you have to make a general provision to cover all kinds of cases. You will certainly find hard cases whichever way you provide. Mr. Snowball gives an example where the father has advanced money to one child, and perhaps he never intended that that should be brought back to the estate to divide with the other children. Perhaps you might have a case on the other side where the child has got half of his father's property, and says then, "Now, I want to share equally with what is left as well."

Mr. Wettenhall.—And that was never intended?—No.

The Chairman.—He has power to vary the law as he liked.

Mr. Eggleston.—Yes, by making a will.

The Hon. H. I. Cohen.—The presumption is that the father intended to treat all the children alike.

Mr. Prendergast.—I recollect a case of a father leaving his property to three daughters, and there was one son. One daughter died intestate, and the son comes in for one-sixth part of the estate, which was not intended.

His Honour Sir Leo Cussen.—He could have easily provided against that by leaving it to the survivors.

Mr. Snowball.—You do not know what is in the father's mind.

Mr. Prendergast.—He meant it for the daughters in that case.

Mr. Snowball.—He should have expressed it.

The Hon. W. H. Edgar.—Does everybody do that?

Mr. Snowball.—I think so; they ought to any way.

His Honour Sir Leo Cussen.—Then the next matter is on page 65—clause 93, Unlawful Oaths. Members will remember that there were a large number of Acts relating to Unlawful Oaths and Societies, all of which were repealed by the Queensland Code, and these provisions I now have here were apparently thought to be a sufficient substitute for them by Sir Samuel Griffith. I understand that members desired that these old enactments should be taken out of Part II., and out of the transcription, and consolidated as provided by the Queensland Code, and that has been done, so that all the English enactments on the subject are now repealed if this Bill is carried as it stands, and division 15 remains.

The Chairman.—This would practically cover the ground.

His Honour Sir Leo Cussen.—I think so; it would be very difficult to apply the old Acts in many particulars. This, at all events, is direct, and Parliament, of course, could always add to it if they wanted to. Of course, I was very much impressed by the fact that Sir Samuel Griffith had repealed those Acts, and substituted this for them.

The Chairman.—All the other alterations, I think, were of a very minor character.

His Honour Sir Leo Cussen.—I am looking at page 38 of the print of the proceedings before the Committee at its second meeting, and that refers to the two matters I have already mentioned, and it also, going back again, refers to clause 14 of the Bill, at page 44. That is a provision to bring pressure on to a person not to go intermeddling with an estate without taking out probate and administration, and it was suggested it ought to be confined to cases in which duty would have to be paid. A provision has been added, bringing about that result, and the forfeiture I have reduced from £100 to £50, and the wording here confines the clause to dutiable estates. Clause 15 has been slightly expanded, but simply in accordance with the old English Acts on which it is based as to the power of the Judge to call upon a person to account and make a just distribution, and I think it is preferable as it now stands. Clause 29 also has been added to slightly, on page 47, by adding the words—

> "In cases of intestacy a representative not proceeding under the said section shall not distribute the estate of the deceased person as to which he died intestate until after the expiration of such year."

Of course, I dare say many people will distribute it, and feel they are running no risk by doing so, but this is apparently a general provision in regard to creditors, and the old English section not only provides that it shall not be distributed until after a year, but that the beneficiaries who get property shall give a bond, and it was thought, I understood, by the members of the Committee here who had experience of such matters, that the practice of giving a bond had never been adhered to here, and I left it out. I left in the provisions of the English Act that it should not be distributed for a year. I think that is in many cases a provision that may be followed, but I dare say many people will disregard it.

Mr. Wettenhall.—It says here "of such year." Is that clear?—Yes, it means one year after the death, but he could always proceed under the provisions of the Trusts Act, and by advertising, distribute it before a year.

The Hon. J. P. Jones.—That would be done by beneficiaries requiring the estate to be distributed rapidly.

His Honour Sir Leo Cussen.—Yes, by inserting an advertisement.

The Hon. J. P. Jones.—And that gets over it?—Yes.

Mr. Wettenhall.—It looks to me that if a man died in November, 1922, the expiration of that year would be the end of December, but that is not so; you say it would be for twelve months?—It would be twelve months from his death.

The Chairman.—Yes, in the third line of that clause that is made clear.

His Honour Sir Leo Cussen.—Clause 18 has also been slightly added to by providing that the Chief Justice may give certain directions to the Curator of the Estates of Deceased Persons.

The Hon. H. I. Cohen.—Referring to section 64, does Your Honour think it advisable that the law in Victoria should be the same as the English law? I find, for instance, on reading the English paper, the *Daily Telegraph*, of 16th May, 1922, the following paragraph:—

> "A Bill to legalize marriage with the nephew of a deceased husband or the niece of a deceased wife has been introduced in the House of Commons by Mr. Rendall, with the support of Major Boyd Carpenter, Mr. Cowan, Captain Evans, Mr. W. Graham, Major Hamilton, Mr. A. M. Samuel, Mrs. Wintringham, and Major McKenzie Wood.

It enables a marriage to be contracted between a man and his deceased wife's brother or sister's daughter, or between a man and his father's or mother's deceased brother's widow. Such marriages will not, however, be lawful if the parties are within any other prohibited degree of relationship."

The Chairman.—That is only a Bill.

The Hon. H. I. Cohen.—But it may have been passed by now. I think it desirable myself that the law in regard to these matters should be uniform throughout the British Dominions; it seems absurd otherwise.

His Honour Sir Leo Cussen.—That is essentially a subject in which I thought we had better leave things alone.

The Chairman.—I think most of us have passed the stage of taking any personal interest in it.

His Honour Sir Leo Cussen.—With regard to a man marrying his niece or an aunt marrying her nephef in Victoria, the law is not so severe as in England, because in England such a marriage would be absolutely void, and of no validity at all, but here the marriage would remain perfectly good, and any children born would be perfectly legitimate, unless during the lifetime of both parties a suit for nullity had been brought.

The Hon. H. I. Cohen. — Yes, and that has been brought in our Courts.

His Honour Sir Leo Cussen.—Yes, in two or three cases.

Mr. Wettenhall.—There was a case the other day where a woman had married her deceased husband's brother, and had thirteen children. I understand that that was no marriage, and that when she applied for a divorce they said she had not been married.

His Honour Sir Leo Cussen.—I think I know something of the facts in that case. The woman's husband died; she had four or five children. Then she married his brother after his death, and she had thirteen children; then she seemed to have quarrelled with the brother, and wishes to marry some one else, or has been living with a man, and she has some children by him, and she wishes to marry him, and she talked of proceedings of nullity against the deceased husband's brother. I do not know that it has got further than that.

Mr. Wettenhall.—It was stated that it was not of effect here.

His Honour Sir Leo Cussen.—On page 57 you will see that the husband's brother is one of the prohibited degrees.

The Chairman.—I think we should leave the prohibited degrees severely alone.

The Hon. H. I. Cohen.—Well, you will not get it in by amendment later on; if anything is to be done it should be done now.

The Chairman.—What is the next clause?—There are several matters which went out. There was one of the fire clauses, and also the provisions relating to maintenance and champerty. It was thought to be of no importance. Then in regard to clause 69, on page 59 at the end, the penalty has been reduced as suggested, and none of it is to go to the informer; that, I think, was agreed upon.

There was no alteration in that lotteries and gaming?—No, except to strike out some clauses dealt with in a Bill now before Parliament.

Mr. Prendergast.—Supposing you reduced that fine from £10 to 1s.

His Honour Sir Leo Cussen.—Well, the magistrates may do that; it says not more than £10.

The Hon. J. P. Jones.—I think the lawyers have got a very valuable section—87—saying that no person can act as an attorney unless he is a member of the union; or, at least, unless he is admitted and enrolled.

His Honour Sir Leo Cussen.—That is the law at present. Then on page 61 you will see sub-clause (2) of clause 77. There is an addition making it compulsory for the bailiff making an arrest on a civil process to show a printed copy of such section to the person arrested. I added to that—"or if such person is unable to read shall forthwith make known the provisions of such section to the person arrested." I think that complies with what Mr. Snowball suggested should be done. I do not think there is anything else.

The Chairman.—There are two new clauses you have added on page 66; one of them is contingent upon an Act already passed; that is a deliberate statement by the Committee that we did this for the suppression of piracy.

His Honour Sir Leo Cussen.—It is really a reduction of the punishment more than anything else.

The Chairman.—And then there are those old offences mentioned in clause 100, of badgering, engrossing, forestalling, and regrating; that clause says that those offences are utterly abolished.

His Honour Sir Leo Cussen.—Yes, Lord Parker called attention to the fact that we had not copied that; in the famous Vend case, which went to the Privy Council.

Mr. Prendergast.—What is the meaning of "regrating"?—It means interference with provisions coming to market—buying them all up, and things of that kind. There is one other thing I would like to mention; I think it would be desirable, although the Bill of Rights is in the second schedule, and therefore is not transcribed in full—that the really important part of it should be copied, but I propose to do it in the form of a footnote, so that it may be available for any one to read if they want to, in this form—

"The general declarations of the Bill of Rights are as follow:—[*Reads down to: "and returned."*]

The question is whether all those should be left in—about carrying firearms, for instance.

The Chairman.—I would cut that out, because it might appear to conflict with our Act. That is about the only one of practical importance. They are all of practical importance if there was a case of treason or piracy, but not for anything else.

The Hon. H. I. Cohen.—As is usual, the preamble stands postponed in the House. I notice Your Honour has elaborated the preamble, and correspondingly altered the title, which I suppose is an advantage. It declares that certain enactments of the Parliament of England shall not apply; to be more precise, should not that read "certain enactments or portions of enactments?"

His Honour Sir Leo Cussen.—Yes, perhaps so, but "enactment" is defined in the Act as part of a Statute.

The Hon. W. H. Edgar.—There is a matter which is getting a little bit fashionable just now, and that is for certain persons to go to America and get a divorce; then marry under the American law, and come back and live in our own State. Is there any amendment you can suggest for the purpose of dealing with that?—I think I should prefer not to raise the waters.

Mr. Prendergast.—I think that is contentious, and we should allow the Attorney-General to deal with it.

The Hon. W. H. Edgar.—I do not think it is contentious; I think it is a matter affecting the moral well-being of the community.

His Honour Sir Leo Cussen.—I do not say it is not of importance, but I do not think it ought to come in under this Bill.

The Hon. J. P. Jones.—In any case, we are not to initiate new legislation here.

The Chairman.—There is a constitutional barrier. I think I am speaking correctly when I say that the Privy Council has practically held that a certain provision in the New South Wales Statute was inapplicable.

The Hon. H. I. Cohen.—No, they interpreted the words "wherever committed" as "wherever committed in the State of New South Wales."

His Honour Sir Leo Cussen.—But supposing there was a prosecution for bigamy, you could not provide that any person who marries another person in the United States, if it were a legal marriage there, would be guilty of bigamy. You might provide that a person who did that in America and came back here might be guilty of an offence.

Mr. Prendergast.—You might provide that, but would it not be very unfair to those who had done it under the previous law?

His Honour Sir Leo Cussen.—I think it has been held that you can not provide that something done outside Victoria would be an offence in Victoria, but you can provide that the coming into Victoria of a person possessing certain characteristics would be an offence.

Mr. Snowball.—How could an Act be passed creating it an offence if the constitutional limitations are such that we could not declare it to be an offence?

His Honour Sir Leo Cussen.—I do not say it should be passed at all. I am not suggesting that, but I remember in the very early Acts before the High Court was established it was said that you could not provide against a ship coming in and having liquors that were not locked up; that was the early Customs Act. There was the case of Kingston and Gadd, and I think the decision was that if the offence was bringing a ship into Australia in a certain condition Parliament could provide that that was an offence if they liked.

Mr. Snowball.—The offence was failing to lock up within the territory; that offence was then committed within the territory.

The Chairman.—Was not that the case regarding the Seals being affixed coming into either territory, and the next time you went to them they were broken?—I think so. I dare say it has been discussed since by the High Court, but I do not know.

Mr. Eggleston.—You could not make it an offence for a man to get drunk outside the 3-mile limit, but you could provide that he must not come in drunk.

His Honour Sir Leo Cussen.—I suppose, as one of the Judges said, you could make a law saying that any woman who came into Victoria with a painted face would be fined £20. I suppose you could provide that if you wanted to.

Mr. Snowball.—With regard to that Bill of Rights, Your Honour will take out the words about carrying arms?—Yes; you will notice that the title of the Bill is changed.

Mr. Prendergast.—There were two things brought up for consideration here—one was the class of thing we thought the Attorney-General should introduce in the House, and the other was certain amendments of Acts which we thought might fairly come before this Committee. (*To the Chairman*).—Have you anything to report on questions that you would bring up for consideration?

The Chairman.—They had relation to two matters—one was the Statute of Distributions and the Victorian Act relating to the estates of intestates who died without leaving widow or widower, father or issue, and the general feeling of the Committee was that the proper amendment in the law should be made in this Bill, and that the specific attention of every member should be drawn to it by means of our report. The other point was Unlawful Oaths and Societies Legislation, and His Honour, having compared the old Imperial Acts and the Queensland Criminal Code, advised us that the ground is practically covered by the sections of the Queensland code, and we thereupon decided to have this in lieu of the old Imperial Acts, and in the course of our report to call specific attention to them. I propose that this report should draw members' attention to every variation that is being made so that each member would have ample opportunity to consider it before the Bill is put through.

Mr. Prendergast.—Yes, it relieves us of a considerable amount of responsibility if we place before the House the full knowledge of how we arrived at our suggestions.

The Hon. H. I. Cohen.—There is one other matter. Would it be possible to have the legislation necessary to give effect to this Bill, or rather to have this Bill introduced at the earliest possible opportunity, so that we might have the advantage of consulting with His Honour if any questions should arise before he goes away on his trip. It is a magnificent piece of work, and it would be a great advantage to the profession and the community generally to have it passed at the earliest possible opportunity.

The Chairman.—I think we can get this introduced without delay, but we could not proceed with it until the report of the Committee is circulated. You will observe that His Honour provides that this Bill shall not come into operation until the 1st September of next year, His Honour's idea being that if any errors or omissions are discovered they shall be rectified before the Bill actually comes into operation. That, with the explanatory paper and report of the Committee, will probably cover the ground.

The Hon. W. H. Edgar.—We are not at variance on any points?

The Chairman.—No.

The Hon. W. H. Edgar.—Well, bearing the impression of His Honour's skill and ability, I think it would be dealt with by both Houses without delay.

The Hon. H. I. Cohen.—Yes, I think it would.

Mr. Snowball.—Does His Honour think it would be wise to defer the coming into operation of the Bill until September of next year?—I had in my mind the idea that the Governor would probably refer it to London for the Royal assent; that would take some little time. I have no particular preference for September, but I thought that September, possibly, would be a time when Parliament would be sitting, and it would give a little time for consideration after Parliament commenced to sit, and a little time for action after that date, but I have no particular preference for September.

The Chairman.—I think it is quite suitable.

His Honour Sir Leo Cussen.—I would suggest that it be published in the sessional volume, with a note that this Bill has been reserved for the Royal assent, and that will give the profession an opportunity of going through it and trying it practically.

The Chairman.—Yes, and the sessional volume would also combine the explanatory memorandum.

His Honour Sir Leo Cussen.—I had a case under the Local Government Act to deal with, and whether my decision was right or wrong is another matter, but the question was about a man having been convicted of felony. On page 10 you will find a provision relating to the subject. As a matter of fact, we could not get any book containing it in the Library at the time, and I had to go to this copy of mine to find the provision. There is one other matter I might mention. On page 5 of the Explanatory Paper you will see—

> "A consideration of the enactments mentioned in the First and Second Schedules suggests the desirability of a general Public Authorities Protection Act like the Act 56 and 57 Victoria c. LXI."

If you go to the revised Statutes—the latest edition, at all events—you will find that some of the matters that I have got in Part II. would not appear in them; the reason is that in England they have published a general Public Authorities Protection Act, protecting persons who have acted under public authority in doing certain things and in connexion with claims against them. The consequence was that I had to retain portions of these old Acts which have been repealed in

England, because they have passed this Act, which we have not copied. Then there is another matter for future legislation referred to on page 7, where you will find this—

> "Attention is called to the fact that though by the *Employers and Employees Act* 1891 a number of Acts relating to employers and employees were repealed, other similar Acts were left standing. These others have now been included in the repeal effected by the Bill. Both classes included some "truck" provisions as to the payment of wages in money. This repeal raises the question whether some general provisions on this subject, such as are contained in the Acts 1 and 2 William IV., c. XXXVII., 50 and 51 Victoria c. XLVI., and 59 and 60 Victoria c. XLIV., should not be adopted in Victoria, as the provisions in the Victorian Factories and Shops Acts are limited to special cases."

I do not know whether that is a matter of any importance, but I simply call attention to it.

Mr. Prendergast.—How will it affect this class of legislation; how will it affect litigants for any purpose whatever; will they be debarred from any power they have at the present time?—No, it is simply a provision relating to the necessity of paying wages in money. In England they have Acts such as the Ironworkers, saying that the wages of ironworkers shall be paid in money. It is very doubtful whether those Acts apply to Victoria; a great number were repealed by the Employers Act of 1891, but there were a great number of others not caught in the net at that time, though exactly the same class. If you look at the explanatory table at the bottom of page 13 you will see "(1748-9) 22 George II., c. XXVII., employers and employees, an Act like 12 George I., c. XXXIV.," and if you go back you will see that the Act 12 George I., c. XXXIV., was repealed by the *Employers and Employees Act* 1891. Nearly all those Acts contain provision for the payment of wages in money.

It only affects that question?—Yes.

It does not affect the question of earnings in the trade?—No, they have what they call a general "Truck" Act in England, providing in nearly all cases that the payment of wages shall be made in money. I think that is all I wish to say.

The Chairman.—I think I am expressing the views of the Committee when I say that we feel greatly indebted to Your Honour for the work you have done, for the deep research you have undertaken, and the care and attention you have taken over this matter. We are also your debtors in regard to the consideration and courtesy with which you have borne with each and every one of us. I may say that not only we ourselves, but every member of Parliament appreciates to the full Your Honour's great public services on these matters.

The Hon. W. H. Edgar.—I might say that from the layman's stand-point I approached this task with a good deal of diffidence, but His Honour has made the task very simple and very plain, and, speaking for myself, I have got a higher value of the wonderful work done by His Honour, and also of his marvellous patience. It is a pity his long years of work could not be known more to the public, because I am sure it will stand as a monument of his skill and ability, and it is worthy of the highest commendation.

His Honour Sir Leo Cussen.—Thank you very much, gentlemen.

The Committee adjourned.

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