

VICTORIA



VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE

COUNCIL.

SESSION.

1864.

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VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL

DURING THE SESSION

1864,

WITH COPIES OF THE VARIOUS DOCUMENTS ORDERED BY
THE COUNCIL TO BE PRINTED.

By Authority:

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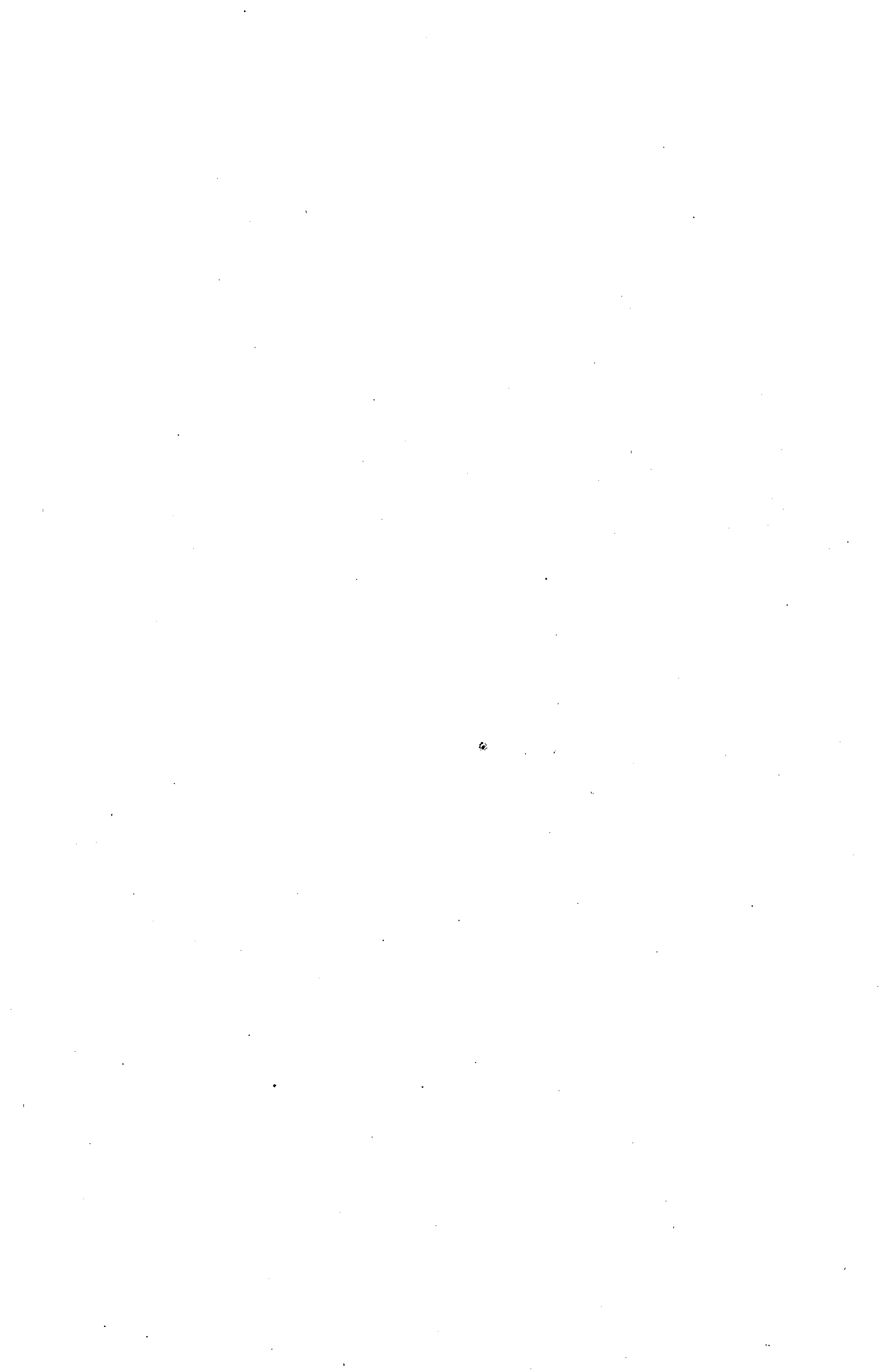
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RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 26TH JANUARY, 1864, AT THE
OPENING OF THE EIGHTH SESSION OF PARLIAMENT.

Names arranged in the Order of Retirement.	Elected at		Remarks.
	Nomination.	Polling.	
CENTRAL PROVINCE :			
Thomas Howard Fellows	22nd Sept., 1862	...	Retired by rotation and re-elected.
George Ward Cole	20th Sept., 1860.		
Thomas Turner a'Beckett ... ..	...	21st Sept., 1858.	
William Hull ... ..	...	27th Sept., 1860.	
John Pascoe Fawkner ... ..	...	26th Aug., 1856.	
SOUTH PROVINCE :			
W. J. T. Clarke ... ..	...	29th Sept., 1862	Elected instead of Hon. Joseph Sutherland, retired by rotation.
William Degraives	18th Sept., 1860.		
John Pinney Bear ... ..	...	1st June, 1863	Elected instead of Hon. J. B. Bennett, resigned.
Donald Kennedy	}	...	29th Aug., 1856.
Thomas Herbert Power			
SOUTH-WESTERN PROVINCE :			
James Henty	27th Sept., 1862	...	Retired by rotation and re-elected.
John McCrae ... ..	...	8th Oct., 1860.	
Caleb Joshua Jenner ... ..	...	17th Mar., 1863	Elected instead of Hon. Geo. S. Coppin, resigned.
James Ford Strachan	}	...	4th Sept., 1856.
Robert Culbertson Hope			
WESTERN PROVINCE :			
Neil Black	6th Oct., 1862...	...	Retired by rotation and re-elected.
Sir James Frederick Palmer	5th Oct. 1860.		
Charles Vaughan ... ..	...	15th Oct., 1858.	
Stephen George Henty ... ..	...	11th Sept., 1856.	
Henry Miller ... ..	...	25th Mar., 1858.	
NORTH-WESTERN PROVINCE :			
William Campbell ... ..	...	1st Nov., 1862	Elected instead of Hon. G. Rolfe, retired by rotation.
William Henry Fancourt Mitchell	13th Jan., 1862	...	Vacated seat by acceptance of office, and was re-elected.
David Elliot Wilkie ... ..	...	1st Nov., 1858.	
Francis Robertson ... ..	...	21st May, 1860.	
Alexander Fraser ... ..	...	13th Sept., 1858.	
EASTERN PROVINCE :			
Robert Turnbull	14th Dec., 1863	...	} Vacancy created by decease of Hon. R. Thomson. The only opposing candidate having withdrawn, Mr. Turnbull was declared duly elected, in terms of clause LXXXIII. of Act 27 Vic., No.168.
William Highett	5th Oct., 1860.		
Benjamin Williams ... ..	...	25th Oct., 1858.	
Matthew Hervey	7th July, 1863	...	Vacated seat by acceptance of office, and was re-elected.
James Denham Pinnock	4th Sept., 1863.	Elected instead of the Hon. J. Stewart, deceased.



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- ” 2. Aborigines—Central Board to watch over interests of.—Third Report, 1863.
- ” 3. Mr. Richard Davis—Report of Board on case of.
- ” 4. Census of Victoria, 1861.—Part IV.—Religion.
- ” 5. Health—Central Board of.—Eighth Report.
- ” 6. Transportation.—Despatch from Right Hon. the Secretary of State (18th July, 1863).
- ” 7. Criminal Statistics, 1862.
- ” 8. Land Act, 1862—Proceedings under (31st Dec., 1863).
- 27th Jan. 9. Military Contributions.—Despatch correcting clerical error (27th July, 1863) The Right Hon. the Secretary of State.
- ” 10. Pilot Board Accounts (10th Dec., 1860, to 31st August, 1861).
- ” 11. Pilot Board Accounts (year ending 31st August, 1862).
- 2nd Feb. 12. Public Worship.—Regulations (5th Oct., 1863).
- ” 13. Public Accounts.—Regulations (2nd Nov., 1863).
- ” 14. Sewers and Water Supply.—Balance Sheets, 1860, 1861, 1862.
- ” 15. Guano Islands.—Despatch from the Right Hon. the Secretary of State for the Colonies (No. 11, 27th July, 1863) with enclosures.
- 4th Feb. 16. Admission of Attorneys.—Rule of Supreme Court (15th Oct., 1863).
- ” 17. St. Arnaud County Court.—Order in Council (7th Sept., 1863).
- ” 18. Camperdown County Court.—Order in Council (28th Dec., 1863).
- ” 19. St. Arnaud.—Court of Mines holden at.—Order in Council (5th Oct., 1863).
- ” 20. Wedderburne—County Court at, discontinued.—Order in Council (30th Nov., 1863).
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- 9th Feb. 22. Observatory.—Third Report of Visitors (19th Aug., 1863).
- ” 23. Public Accounts—Regulations (17th Aug., 1863).
- ” 24. Education—Board of.—General Regulations (25th Jan., 1864).
- 16th Feb. 25. Gold Fields Statistics, 1863.
- ” 26. Fees for Crown Grants and Leases.—Regulations (21st Dec., 1863).
- ” 27. Transportation—Despatch from the Right Hon. the Secretary of State (26th Dec., 1863).
- 17th Feb. 28. Telegraphic Report of Shipping Arrivals.—Alteration in charge (25th January, 1864).
- ” 29. Jamieson County Court.—Order in Council (8th February, 1864).
- ” 30. Jamieson Court of Mines.—Order in Council (8th February, 1864).
- 23rd Feb. 31. Expenditure (1861) under Schedule D to Act 18 and 19 Vic., cap 55.
- ” 32. Expenditure under Schedule D to Act 18 and 19 Vic., cap. 55, on account of 1862, defrayed during 1862.
- ” 33. Sanatory Station.—Report of Chief Medical Officer for the year 1863.
- ” 34. Pilot Board—Accounts of, for the year ending 31st August, 1863.
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- 3rd Mar. 36. Beechworth District.—Court of Mines to be held at Sale.—Order in Council (15th February, 1864).
- 8th Mar. 37. Board of Education.—Second Report.
- ” 38. Statistics of Victoria, 1862.
- ” 39. Friendly Societies—Return of (1863).
- 10th Mar. 40. Rutherglen—Beechworth Court of Mines to be holden at.—Order in Council (29th February, 1864).
- ” 41. Rutherglen—County Court to be holden at.—Order in Council (29th February, 1864).
- 15th Mar. 42. Polling Places for Mining District altered.—Order in Council (15th February, 1864).
- 17th Mar. 43. Emigration Commissioners.—Summary Report of Emigration to Victoria (19th January, 1864).
- 13th April. 44. Daylesford—Mining Operations within exempted land at.—Order in Council (21st March, 1864).

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- 13th April. 45. Sandhurst Mining District altered.—Order in Council (21st March, 1864).
 „ 46. Sandhurst—Polling Places for divisions of Mining District of.—Order in Council (21st March, 1864).
 „ 47. Sandhurst.—Mining District Divisions.—Order in Council (21st March, 1864).
 „ 48. Volunteer Force—Regulations for (21st September, 1863).
 „ 49. Statistics of Victoria—Agricultural and Live Stock—For year ending 31st March, 1863.
 „ 50. Transportation.—Despatch from Right Honorable the Secretary of State (26th January, 1864).
- 19th April. 51. Board of Education.—General Regulations (29th February, 1864).
 „ 52. Board of Education.—General Regulations (29th February, 1864).
 „ 53. Occupation of Crown Lands under 53rd clause of the Land Act 1862 (14th March, 1864).
 „ 54. Occupation of Crown Lands.—Fee to be payable for under 80th clause of the Land Act 1862 (14th March, 1864).
 „ 55. Health Officer—Report for Year ending 31st December, 1863).
- 21st April. 56. Postmaster at Epping.—Return to an Order of the Council.
- 26th April. 57. Education.—Report of Inspector-General of Schools (19th January, 1864).
- 3rd May. 58. Mining Surveyors and Registrars—Reports of (for quarter ended 31st March, 1864).
 „ 59. Omeo—Authorized Mining at.—Order in Council (4th April, 1864).
- 12th May. 60. Diseases—Return of (during 1863) from Chief Medical Officer.
- 25th May. 61. St. Arnaud—Report on Gold and Silver bearing Reefs at.
- 26th May. 62. Electric Telegraph—Report on, for year ending 31st December, 1863.
- 27th May. 63. Census of Victoria, 1861.—Ages of the People.
 „ 64. Fryers Creek—Mining at.—Order in Council (25th April, 1864).
- 31st May. 65. Civil Establishment for 1863—Return of.
- 1st June. 66. Manufactories and Industries, New.—Regulations for distribution of Vote.
- 2nd June. 67. Victorian Railways.—Report of Board of Land and Works for year ending 31st December, 1862.
 „ 68. Victorian Railways.—Report of Board of Land and Works for year ending 31st December, 1863.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 26TH JANUARY, 1864.

The Council met in accordance with Proclamation.

The Proclamation convening Parliament was read by the Clerk :—

PROCLAMATION.

By His Excellency SIR CHARLES HENRY DARLING, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of the Colony of Victoria, &c., &c., &c.

WHEREAS by *The Constitution Act* it is amongst other things enacted, that it shall be lawful for the Governor to fix such places within Victoria, and (subject to the limitation in the said Act contained) such times for holding the first and every other session of the Legislative Council and Legislative Assembly of Victoria, and to vary and alter the same respectively as he may think fit: And whereas it is expedient to fix the time for holding the next session of the said Legislative Council and Legislative Assembly now called "The Parliament of Victoria," which stands prorogued to Friday, the eighteenth day of December instant: Now therefore I, Sir Charles Henry Darling, the Governor of Victoria, do hereby further prorogue the said Parliament from Friday, the eighteenth day of December instant, to the day hereinafter mentioned; and in pursuance of the power and authority in me vested as aforesaid, I do hereby appoint and proclaim that the Third Session of the Third Parliament of Victoria shall commence and be holden, for the despatch of business, on Tuesday, the twenty-sixth day of January, one thousand eight hundred and sixty-four, at Two of the clock in the afternoon, in the Parliament Houses, situate in Parliament Place, Spring street, in the City of Melbourne: And the Members of the said Legislative Council and Legislative Assembly respectively are hereby required to give their attendance at the said time and place accordingly.

Given under my Hand and the Seal of the Colony, at Melbourne, this fourteenth day of December, in the year of our Lord One thousand eight hundred and sixty-three, and in the twenty-seventh year of Her Majesty's reign.

(L.S.)

C. H. DARLING.

By His Excellency's Command,

JAMES McCULLOCH,

Chief Secretary.

GOD SAVE THE QUEEN!

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

His Excellency the Governor came into the Council Chamber and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber, 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 :

In calling you together for the business of this, the last session of the present Parliament, I proceed, without unnecessary introduction or delay, to notice the principal subjects which will be submitted for your deliberation.

Notwithstanding the arduous and protracted labors of former sessions of Parliament, in relation to the sale and management of the public lands, I regret that the state of the law is such as to call for further legislation on this subject. A measure will be submitted to you which will, I trust, largely encourage both agricultural and pastoral enterprise, and conduce to the prosperity of the colony at large, by attracting capital as well as population to our shores.

Your early attention will also be invited to the necessity of devising and applying new legislation to the gold fields of the colony. A Bill will be submitted to you by my advisers which will comprehend proposals for the better management of the gold fields, the consolidation of mining bye-laws, the better administration of justice, together with

a scheme for the more expeditious settlement of disputed boundaries, and for regulating mining on private property. A comprehensive system of water supply for irrigation and mining purposes is generally felt to be essential to the adequate development of the producing interests of the country, and a proposal initiating it will be brought under your consideration.

The laws which have hitherto regulated the sale of fermented and spirituous liquors have, long since, been condemned by the public at large, as well as by those whose interests are specially affected. On this subject, therefore, a Bill will be laid before you, the effect of which will, I trust, be to protect the fair trader, to repress the practice, hitherto too common, of illicit sale, and to encourage the production of wine, the growth of our own vineyards.

The unsettled condition of a large portion of the people in a new country, requires that legislative provision should be made in Victoria, without delay, for the management of juvenile offenders and of destitute and deserted children. A Bill will be laid before you for the establishment of reformatories and industrial schools.

Bills amending the laws relating to insolvency and lunacy, to boroughs and municipal bye-laws, to the management of intestate estates, and for the better regulation of the Post Office, and a measure for the regulation of trading and other companies and for the limitation of their liability, together with other measures, will also be submitted to you.

I am glad to be enabled to acquaint you that, under the provisions of the Act passed last session, a large and effective body of volunteers has been enrolled, whose attention to training and zeal in the service encourage the confident hope that they will prove an important element in our system of national defence.

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The Estimates for the year 1864 have been prepared with a due regard to economy, while at the same time adequate provision has been made for the ordinary expenditure of the year, and for some of those greater national undertakings which can be no longer delayed.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The consolidation of our statute law, to which referencé was made by my predecessor, on the opening of the last session, has been since proceeded with to a considerable extent, and the results will be laid before you at an early period.

The replies which have been received to the remonstrances addressed from Victoria to the Imperial Government, against the continuance of transportation to Australia, were considered by my advisers so far from satisfactory that they submitted to me a further protest, which was duly forwarded to the Secretary of State for the Colonies. Although I have received no official communication on the subject, I am glad to be able to say, that there is ground for believing that the recommendations of the Commission have not been adopted by the Imperial Government, and that transportation to Western Australia will only be continued so long as may be necessary, in the opinion of Her Majesty's Ministers, for the maintenance of good faith with Western Australia. Nevertheless it is the opinion of my advisers, in which they anticipate your concurrence, that the efforts which have hitherto been made ought not to be relaxed, until transportation to Australia has finally ceased.

I trust that the labors to which you are about to devote yourselves will, under the blessing of God, contribute to the prosperity, the happiness, and honor of the Colony of Victoria.

Government Offices,
26th January, 1864.

C. H. DARLING,
Governor.

Which being concluded, a copy of the Speech was delivered to the President, and a copy to Mr. Speaker, and the Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

The President took the Chair.

ADJOURNMENT.—The Honorable M. Hervey moved, That the House do now adjourn until four o'clock this day.

Amendment moved by the Honorable J. P. Fawkner, That the words, "this day" be omitted, with a view to insert the words, "to-morrow" instead thereof.

Debate ensued.

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

Question—That the House do now adjourn until four o'clock this day—put and passed.

The President left the Chair.

The President resumed the Chair at four o'clock.

The President read the Prayer.

ELECTION OF MEMBERS.—The President announced to the Council, that letters had been received from the Private Secretary to His Excellency the Governor, reporting severally, for the information of the President, that a Writ, issued by the Governor on the 5th August, 1863, for the election of one Member for the Eastern Province, has been returned to His Excellency, by which it appears that James Denham Pinnock, Esquire, has been duly elected; and that a Writ, issued by the Governor on the 30th November, 1863, for the election of one Member for the Eastern Province, has been returned to His Excellency, by which it appears that Robert Turnbull, Esquire, has been duly elected.

The Honorables J. D. Pinnock and R. Turnbull approached the Table, and took and subscribed the Oath of Allegiance provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declarations required by the seventh clause of the Constitution Act, as hereunder set forth, viz.—

“I, JAMES DENHAM PINNOCK, do declare and testify, that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Five thousand pounds, sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of North Melbourne east, in the county or reputed county of Bourke, the descriptions of which lands and tenements are as follow:—Allotments Nos. 7 and 12 of section 16, parish of North Melbourne East, in the city of Melbourne, together with the buildings thereon erected. And I further declare, that I have not collusively or colourably 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 of the Colony of Victoria.”

“J. D. PINNOCK.”

“I, ROBERT TURNBULL, do declare and testify, that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full value of Five thousand pounds, sterling money, and upwards, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Alberton, county unnamed, and the parish of Melbourne, in the county or reputed county of Bourke, the descriptions of which lands and tenements are as follow:—First, One hundred and fifty acres of land, more or less, part of one hundred and eighty acres of land in the parish of Alberton, at Corner Inlet, in the Colony of Victoria, originally purchased from the Crown by the late Major Alexander Davidson as lot 1, in pursuance of the proclamation of the twenty-fourth August, One thousand eight hundred and forty-three, and granted to the said Alexander Davidson by deed-poll, dated twenty-first August, One thousand eight hundred and forty-five; and, secondly, all that undivided moiety, half part or share of and in allotments 12 and 13 of section 18, in town of Melbourne, parish of Melbourne, county of Bourke, and Colony of Victoria. And I further declare, that I have not collusively or colourably 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 of the Colony of Victoria.”

“ROBERT TURNBULL.”

INDUSTRIAL SCHOOLS BILL.—The Honorable M. Hervey, with leave of the Council moved, without notice, for leave to bring in a Bill to establish Industrial and Reformatory Schools.

Question—put and passed.

Bill brought in, and on the motion of the Honorable M. Hervey, read a first time, ordered to be printed, and read a second time on Tuesday, the 9th proximo.

SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The President reported His Excellency's Speech to the Council.

The Honorable R. Turnbull moved, That a Select Committee, consisting of the Honorables M. Hervey, T. H. Power, J. P. Bear, J. D. Pinnock, and the Mover, be appointed to prepare an Address to His Excellency the Governor, in reply to his Speech delivered to Parliament.

Question—put and passed.

The Honorable R. Turnbull moved, That the Council do now adjourn during pleasure, in order that the Committee may prepare an Address in reply to the Speech of His Excellency the Governor.

Question—put and passed.

The President left the Chair.

The President having resumed the Chair, the Honorable R. Turnbull brought up the Report of the Committee appointed to prepare an Address in reply to the Speech of His Excellency the Governor, and moved that the same be read.

The Address was read as follows:—

To His Excellency SIR CHARLES HENRY DARLING, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of the Colony of Victoria, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, Her Majesty's faithful subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, desire to express our loyalty to our Most Gracious

Sovereign, and to thank Your Excellency for having called Parliament together to consider the various subjects announced in Your Excellency's Speech.

We assure Your Excellency that, notwithstanding the arduous and protracted labors of former sessions of Parliament in relation to the sale and management of the public lands, we shall cheerfully give our attention to the measure to be submitted to us; and we trust, with Your Excellency, that it will largely encourage both agricultural and pastoral enterprise, and conduce to the prosperity of the colony at large, by attracting capital as well as population to our shores.

We are glad to be informed that our early attention will be called to the necessity of devising and applying new legislation to the gold fields of the colony. We shall be ready to give our earnest and careful consideration to the Bill which it is the intention of Your Excellency's advisers to submit to us, as also to the proposal for a comprehensive system of water supply.

We learn with pleasure that a Bill to regulate the sale of fermented and spirituous liquors will be laid before us.

Our best consideration will be given to the Bill for the establishment of reformatories and industrial schools—a measure rendered imperative by the unsettled condition of a large portion of the people.

We assure Your Excellency that we shall also give our careful attention to the Bills amending the laws relating to insolvency and lunacy, to boroughs and municipal bye-laws, to the management of intestate estates, the better regulation of the Post Office, and for the regulation of trading and other companies, and the limitation of their liability.

It gives us much satisfaction to learn that, under the provisions of the Act passed last session, a large and effective body of volunteers has been enrolled, and that their attention to training and zeal in the service encourage the confident hope that they will prove an important element in our system of national defence.

We thank Your Excellency for informing us that, while the Estimates for the year 1864 have been prepared with due regard to economy, adequate provision has been made for the ordinary expenditure of the year, and for some of those greater national undertakings which can no longer be delayed.

We await, with much interest, the results of the progress made in regard to the consolidation of our statute law, which Your Excellency has promised shall be laid before us.

We learn, with deep regret, that the unfavorable replies received to the remonstrances addressed from Victoria to the Imperial Government on the subject of transportation necessitated a further protest from Your Excellency's advisers.

We are rejoiced to learn from Your Excellency, that although Your Excellency has received no official communication on the subject, there is ground for believing that the recommendations of the commission have not been adopted by the Imperial Government, and that transportation to Western Australia will only be continued so long as may be necessary, in the opinion of Her Majesty's Ministers, for the maintenance of good faith with that colony.

We, at the same time, heartily concur with your advisers, that the efforts which have hitherto been made ought not to be relaxed until transportation to Australia has finally ceased.

We join with Your Excellency in trusting the labors to which we are about to devote ourselves will, under the blessing of God, contribute to the prosperity, the happiness, and honor of the Colony of Victoria.

The Honorable R. Turnbull moved, That the Address be taken into consideration to-morrow.

Question—put and passed.

ELECTIONS AND QUALIFICATIONS.—In pursuance of "*The Electoral Act of 1856*," the President laid upon the Council Table the following Warrant, appointing the Committee of Elections and Qualifications :—

VICTORIA.

Pursuant to the provisions of the Victoria Electoral Act of 1856, I do hereby appoint—

The Honorable T. T. a'Beckett
 The Honorable J. P. Bear
 The Honorable J. P. Fawkner
 The Honorable T. H. Fellows
 The Honorable M. Hervey
 The Honorable J. D. Pinnoek
 The Honorable J. F. Strachan

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

Given under my hand this twenty-sixth day of January, 1864.

J. F. PALMER,
 President of the Legislative Council.

REPLY TO CONGRATULATORY ADDRESS OF THE COUNCIL ON THE MARRIAGE OF H.R.H. THE PRINCE OF WALES.—The President laid on the Table a Despatch from His Excellency the Governor, enclosing a Despatch from the Right Honorable the Secretary of State for the Colonies.

The same were read to the Council as follows :—

VICTORIA.—L.D. No. 7.

SIR,

Government House,
Melbourne, 13th October, 1863.

I have the honor to transmit to you herewith the copy of a Despatch (No. 13, 16th August, 1863) from Her Majesty's Secretary of State, in which I am directed to inform you that the Address from the Legislative Council of this Colony, congratulating the Queen upon the marriage of H.R.H. the Prince of Wales, which was forwarded by my predecessor, having been duly laid before Her Majesty, has been most graciously received, and that the expressions of loyalty which the Address contained have afforded much satisfaction to Her Majesty.

I have the honor to be,

Sir,

Your most obedient servant,

The Honorable
The President of the Legislative Council,
&c., &c.

C. H. DARLING.

[COPY.]

VICTORIA.—No. 13.

SIR,

Downing street, 16th August, 1863.

I have the honor to acknowledge the receipt of your predecessor's Despatch, No. 34, of the 23rd of May, forwarding congratulatory Addresses to the Queen, on the occasion of the marriage of His Royal Highness the Prince of Wales, which have been unanimously adopted by the Legislative Council and the Legislative Assembly of Victoria, and reporting also the general and spontaneous enthusiasm which prevailed throughout the colony on the day set apart for the commemoration of this auspicious event.

I request that you will inform the President of the Legislative Council and the Speaker of the House of Assembly, by whom these Addresses are signed, that they have been duly laid before the Queen, and were most graciously received by Her Majesty, to whom these expressions of the loyalty of the two Chambers of the Victoria Legislature gave much satisfaction.

I have the honor to be,

Sir,

Your most obedient humble Servant,

Governor Sir C. Darling, K.C.B.,
&c., &c., &c.

(Signed)

NEWCASTLE.

DISALLOWANCE OF BILL.—The President laid on the Table a Proclamation, dated 18th November, 1863, promulgating an Order by the Queen's Most Excellent Majesty in Council, disallowing the Bill, intituled "*An Act to provide for the better Regulation and Discipline of Armed Vessels in the Service of Her Majesty's Local Government in Victoria,*" passed in the twenty-third year of Her Majesty's reign.

PROCLAMATION.

By His Excellency SIR CHARLES HENRY DARLING, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of the Colony of Victoria, &c., &c., &c.

WHEREAS, in accordance with the provisions of an Act of the fifth and sixth years of the reign of Her Majesty, chapter seventy-six, intituled "*An Act for the Government of New South Wales and Van Dieman's Land,*" on the eighth day of June, in the year One thousand eight hundred and sixty, the Act hereinafter mentioned was assented to by the Governor of Victoria in the name and on behalf of Her Majesty: And whereas Her Majesty has been pleased, by an Order in Council (subjoined hereto), bearing date the nineteenth day of July, in the year One thousand eight hundred and sixty-two, to disallow such Act: Now therefore I, Sir Charles Henry Darling, the Governor of Victoria, do by this Proclamation signify Her Majesty's disallowance of the Act of the Parliament of Victoria numbered Ninety-five, and intituled "*An Act to provide for the better Regulation and Discipline of Armed Vessels in the Service of Her Majesty's Local Government in Victoria.*"

Given under my Hand and the Seal of the Colony, at Melbourne, this eighteenth day of November, in the year of our Lord One thousand eight hundred and sixty-three, and in the twenty-seventh year of Her Majesty's reign.

(L.S.)

C. H. DARLING.

By His Excellency's Command,

GEO. HIGINBOTHAM,

Attorney-General.

GOD SAVE THE QUEEN!

At the Court at Osborne House, Isle of Wight, the 19th day of July, 1862.

PRESENT :

The Queen's Most Excellent Majesty in Council.

WHEREAS by an Act passed in the sixth year of Her Majesty's Reign, entitled "*An Act for the Government of New South Wales and Van Dieman's Land,*" it is amongst other things enacted, that whenever any Bill which shall have been presented for Her Majesty's assent to the Governor of New South Wales shall, by such Governor, have been assented to in Her Majesty's name, it shall be lawful, at any time within two years after an authentic copy of such Bill shall have been received by the Secretary of State from such Governor, for Her Majesty, by Order in Council, to declare Her disallowance of such Bill: And whereas by another Act passed in the fourteenth year of Her Majesty's reign, entitled "*An Act for the better Government of Her Majesty's Australian Colonies,*" it was provided amongst other things that the provisions of said first-mentioned Act concerning the disallowance of Bills should apply to and be in force in the Colony of Victoria; and whereas the said provisions are maintained in force, as regards Bills passed by the Legislative Council and Legislative Assembly of the said colony, by a subsequent Act, passed in the 19th year of the Reign of Her said Majesty, entitled "*An Act to enable Her Majesty to assent to a Bill as amended of the Legislature of Victoria to establish a Constitution in and for the Colony of Victoria:*" And whereas on the 8th of June, 1860, the Governor of the said Colony of Victoria assented to a certain Bill passed by the Legislative Council and Legislative Assembly of the said Colony, entitled "*An Act to provide for the better Regulation and Discipline of Armed Vessels in the Service of Her Majesty's Local Government in Victoria:*" And whereas the said Bill so assented to has been laid before Her Majesty in Council, and it is expedient that the said Bill should be disallowed by Her Majesty: Now therefore Her Majesty, in pursuance of the aforementioned Acts of Parliament, and in exercise of the powers reserved to Her Majesty therein, doth by this present Order, by and with the advice of Her Majesty's Privy Council, declare Her disallowance of the said Act.

And the Most Noble the Duke of Newcastle, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ARTHUR HELPS.

I, HENRY PELHAM PELHAM CLINTON, Duke of Newcastle, being one of Her Majesty's Principal Secretaries of State having the Department of the Colonies, do hereby certify that the Act No. 95 of 23rd Victoria, passed by the Legislature of Victoria, and entitled "*An Act to provide for the better Regulation and Discipline of Armed Vessels in the Service of Her Majesty's Local Government in Victoria,*" was received at this Department on the tenth of August, One thousand eight hundred and sixty.

Given under my Hand and Seal, this eighth day of August, 1862.

(L.S.)

NEWCASTLE.

DECISION BY LOT AS TO RETIREMENT OF MEMBER.—The President pointed out to the Council that, under the third clause of the Constitution Act it is provided that, "in case of an equality of votes, it shall be decided by lot which Member shall retire," and that for the seats now occupied by the Honorables F. Robertson and A. Fraser an equal number of votes was polled in 1856, so that steps must be taken to decide by lot which Member should retire.

PAPERS.—The Honorable M. Hervey laid on the Council Table the following Papers:—

1. Marriage of His Royal Highness the Prince of Wales.—Despatch from the Right Honorable the Secretary of State. (No. 13. 16th August, 1863.)
2. Aborigines—Central Board to watch over interests of.—Third Report. 1863.
3. Mr. Richard Davis—Report of Board on case of.
4. Census of Victoria, 1861.—Part IV. Religion.
5. Health—Central Board of.—Eighth Report.
6. Transportation.—Despatch from Right Honorable the Secretary of State. (18th July, 1863.)
7. Criminal Statistics. 1862.
8. Land Act, 1862—Proceedings under. (31st December, 1863.)

Ordered severally to lie on the Table.

The Council adjourned at a quarter to five o'clock until four o'clock on Wednesday, the 27th instant.

NOTICES OF MOTION AND ORDER OF THE DAY.

WEDNESDAY, 27TH JANUARY, 1864.

1. The Hon. J. P. FAWKNER: To ask the President, whether the Honorable W. J. T. Clarke has applied to him for leave of absence, and if so, for what period, and when was the leave of absence granted.

NOTICES OF MOTION:—

1. The Hon. W. HULL: To move, That a copy of any correspondence between the Government of New Zealand and that of this colony relative to the mission of Colonel Pitt, "to enrol military settlers for New Zealand," be laid upon the Table of this House."
2. The Hon. M. HERVEY: To move, That Tuesdays, Wednesdays, and Thursdays be the days on which the Council shall meet for the despatch of business during the present session, and that four o'clock be the hour of meeting on each day.
3. The Hon. M. HERVEY: To move, That on Wednesday in each week during the present session, the transaction of Government business take precedence of all other business.
4. The Hon. M. HERVEY: To move, That the Honorables the President, W. H. F. Mitchell, Dr. Hope, J. P. Fawkner, and Dr. Wilkie, be Members of the Joint Committee of both Houses to manage the Library.
5. The Hon. M. HERVEY: To move, That the Honorables T. H. Power, C. J. Jenner, D. Kennedy, W. Hull, and A. Fraser, be appointed a Printing Committee, and that Papers presented to the House be referred to the said Committee for report.
6. The Hon. M. HERVEY: To move, That the Honorables W. Highett, S. G. Henty, J. McCrae, R. Turnbull, and W. Degraives, be Members of the Joint Committee of both Houses to manage the Refreshment Rooms and Stables.
7. The Hon. M. HERVEY: To move, That the Honorables J. P. Bear, J. D. Pinnock, J. Henty, H. Miller, and W. Campbell, be Members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.
8. The Hon. M. HERVEY: To move, That the Honorables the President, T. H. Fellows, T. T. a'Beckett, J. F. Strachan, and G. W. Cole, be appointed a Select Committee on the Standing Orders of the House.

TUESDAY, 2ND FEBRUARY.

NOTICES OF MOTION:—

1. The Hon. J. F. STRACHAN: To move, That a Chairman of Committees be now appointed.
2. The Hon. W. HIGHETT: To move, That there be laid on the Table of the House a Return to the 31st December, 1863, of all sums of money raised under the Water Works Loan Act or Acts, showing the amount expended in the construction of the Yan Yean; the annual amount of the loan paid off; the sum due and the yearly charge for interest thereon; the yearly expenditure, specifying the purpose and distinguishing the expenses of collection, maintenance, and repair, and the cost of new works; the localities to which the works have been extended; the cost of each extension and the source from which defrayed; the revenue received in each year since the opening of the works; the revenue received in each year from the tramway.

TUESDAY, 9TH FEBRUARY.

ORDER OF THE DAY:—

1. INDUSTRIAL SCHOOLS BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 27TH JANUARY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

REPLY TO GOVERNOR'S SPEECH.—The Honorable R. Turnbull moved, That the Address agreed to by the Select Committee of the Council, in reply to the Speech of His Excellency the Governor, be now adopted.

Debate ensued.

Question—put and passed.

The Honorable R. Turnbull moved, That the Address be presented to His Excellency the Governor by the President, and such Members of the House as may wish to accompany him.

Question—put and passed.

DAYS OF BUSINESS.—The Honorable M. Hervey, in accordance with notice, moved, That Tuesdays, Wednesdays, and Thursdays be the days on which the Council shall meet for the despatch of business during the present session, and that four o'clock be the hour of meeting on each day.

Question—put and passed.

GOVERNMENT BUSINESS.—The Honorable M. Hervey, in accordance with notice, moved, That on Wednesday in each week during the present session, the transaction of Government business take precedence of all other business.

Question—put and passed.

LIBRARY COMMITTEE (JOINT).—The Honorable M. Hervey, in accordance with *amended* notice, moved, That the Honorables the President, W. H. F. Mitchell, W. Hull, J. P. Fawcner, and Dr. Wilkie, be Members of the Joint Committee of both Houses to manage the Library.

Question—put and passed.

PRINTING COMMITTEE.—The Honorable M. Hervey, in accordance with notice, moved, That the Honorables T. H. Power, C. J. Jenner, D. Kennedy, W. Hull, and A. Fraser, be appointed a Printing Committee, and that Papers presented to the House be referred to the said Committee for report.

Question—put and passed.

REFRESHMENT ROOMS COMMITTEE (JOINT).—The Honorable M. Hervey, in accordance with notice, moved, That the Honorables W. Highett, S. G. Henty, J. McCrae, R. Turnbull, and W. Degraives, be Members of the Joint Committee of both Houses to manage the Refreshment Rooms and Stables.

Question—put and passed.

PARLIAMENT BUILDINGS COMMITTEE (JOINT).—The Honorable M. Hervey, in accordance with notice, moved, That the Honorables J. P. Bear, J. D. Pinnock, J. Henty, H. Miller, and W. Campbell, be Members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

Question—put and passed.

STANDING ORDERS SELECT COMMITTEE.—The Honorable M. Hervey, in accordance with notice, moved, That the Honorables the President, T. H. Fellows, T. T. a'Beckett, J. F. Strachan, and G. W. Cole be appointed a Select Committee on the Standing Orders of the House.

Question—put and passed.

PAPERS.—The Honorable M. Hervey presented to the Council the following Papers:—

1. Military Contributions.—Despatch correcting clerical error (27th July, 1863)—
Right Honorable the Secretary of State.
2. Pilot Board Accounts (10th December, 1860, to 31st August, 1861).
3. Pilot Board Accounts (Year ending 31st August, 1862).

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, without notice,
That the House at its rising this day adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at five o'clock until four o'clock on Tuesday, the 2nd proximo.

NOTICES OF MOTION AND ORDER OF THE DAY.

TUESDAY, 2ND FEBRUARY, 1864.

1. The Hon. J. D. PINNOCK : To ask the Honorable the Commissioner of Public Works, Whether the Government has arrived at a decision with reference to a petition addressed to the Chief Secretary, adopted at a public meeting held for the purpose, and signed by a large number of the most influential inhabitants of Gipps Land, praying for a survey for a line of railroad from Port Albert, or Welshpool, to Sale, together with the necessary levels, gradients, and specifications from which the probable cost of such a line could be completed ; and also that land necessary for the purpose might be reserved from sale, such petition having been presented to the Chief Secretary on the 7th instant.

NOTICES OF MOTION :—

1. The Hon. J. F. STRACHAN : To move, That a Chairman of Committees be now appointed.
2. The Hon. W. HIGGETT : To move, That there be laid on the Table of the House a Return to the 31st December, 1863, of all sums of money raised under the Water Works Loan Act or Acts, showing the amount expended in the construction of the Yan Yean ; the annual amount of the loan paid off ; the sum due and the yearly charge for interest thereon ; the yearly expenditure, specifying the purpose and distinguishing the expenses of collection, maintenance, and repair, and the cost of new works ; the localities to which the works have been extended ; the cost of each extension and the source from which defrayed ; the revenue received in each year since the opening of the works ; the revenue received in each year from the tramway.
3. The Hon. W. H. F. MITCHELL : To move, That there be laid upon the Table of this House copies of all correspondence which has passed between the Board of Education and the Government relating to the framing of rules, in accordance with the requirements of the Common Schools Act, from the time of the formation of the Board up to the present date.
4. The Hon. W. H. F. MITCHELL : To move for leave to bring in a Bill to provide for draining and improving the outfall of land.

TUESDAY, 9TH FEBRUARY.

ORDER OF THE DAY :—

1. INDUSTRIAL SCHOOLS BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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TUESDAY, 2ND FEBRUARY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

REPLY OF GOVERNOR TO ADDRESS.—The President announced to the Council that the Address to His Excellency the Governor, adopted on the 27th ultimo, had been presented, in accordance with the resolution of the House, to His Excellency the Governor, and that His Excellency had been pleased to make thereto the following reply:—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL—

It affords me much gratification to receive your loyal and dutiful Address, and to learn how cheerfully you will give your best consideration to the measures which my advisers are about to submit to Parliament.

C. H. DARLING,
Governor.

Government Offices,
Melbourne, 28th January, 1864.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President, for the second time, laid upon the Council Table the warrant appointing the Committee of Elections and Qualifications.

PAPERS.—The Honorable M. Hervey laid on the Council Table the following Papers:—

1. Public Worship.—Regulations (5th October, 1863).
2. Public Accounts.—Regulations (2nd November, 1863).
3. Sewers and Water Supply.—Balance Sheets, 1860, 1861, 1862.

Ordered severally to lie on the Table.

PAPERS.—The Honorable M. Hervey, by command of His Excellency the Governor, laid on the Council Table the following Paper:—

Despatch from the Right Honorable the Secretary of State for the Colonies (No. 11, 27th July, 1863), with enclosures.

Ordered to lie on the Table.

CHAIRMAN OF COMMITTEES.—The Honorable J. F. Strachan, in accordance with *amended* notice, moved, That the Honorable Dr. Hope be appointed Chairman of Committees of this House.

Question—put and passed.

The Honorable Dr. Hope made his acknowledgments to the House.

WATER WORKS.—The Honorable W. Highett, in accordance with notice, moved, That there be laid on the Table of the House a Return to the 31st December, 1863, of all sums of money raised under the Water Works Loan Act or Acts, showing the amount expended in the construction of the Yan Yean; the annual amount of the loan paid off; the sum due and the yearly charge for interest thereon; the yearly expenditure, specifying the purpose and distinguishing the expenses of collection, maintenance, and repair, and the cost of new works; the localities to which the works have been extended; the cost of each extension and the source from which defrayed; the revenue received in each year since the opening of the works; the revenue received in each year from the tramway.

Question—put and passed.

BOARD OF EDUCATION.—The Honorable W. H. F. Mitchell, in accordance with notice, moved, That there be laid upon the Table of this House copies of all correspondence which has passed between the Board of Education and the Government relating to the framing of rules, in accordance with the requirements of the Common Schools Act, from the time of the formation of the Board up to the present date.

Question—put and passed.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House at its rising this day adjourn until Thursday next.

Question—put and passed.

PETITION.—The Honorable W. Hull presented a petition signed by P. Johnson and others, ratepayers of the Borough of Richmond, praying that a Bill may be passed amending the clauses of the Constitution Act relative to the granting of Pensions.

Petition received.

The Council adjourned at twenty minutes to five o'clock until four o'clock on Thursday, the 4th instant.

NOTICE OF MOTION AND ORDER OF THE DAY.

THURSDAY, 4TH FEBRUARY, 1864.

1. The Hon. J. P. FAWKNER : To ask the President, Whether the Honorable W. J. T. Clarke has notified to him his intention to be absent for one week from the Council.
2. The Hon. J. D. PINNOCK : To ask the Honorable the Commissioner of Public Works, Whether the Government has arrived at a decision with reference to a petition addressed to the Chief Secretary, adopted at a public meeting held for the purpose, and signed by a large number of the most influential inhabitants of Gipps Land, praying for a survey for a line of railroad from Port Albert, or Welshpool, to Sale, together with the necessary levels, gradients, and specifications from which the probable cost of such a line could be completed ; and also that land necessary for the purpose might be reserved from sale, such petition having been presented to the Chief Secretary on the 7th ultimo.

TUESDAY, 9TH FEBRUARY.

NOTICE OF MOTION :—

1. The Hon. W. H. F. MITCHELL : To move for leave to bring in a Bill to provide for draining and improving the outfall of land.

ORDER OF THE DAY :—

1. INDUSTRIAL SCHOOLS BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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THURSDAY, 4TH FEBRUARY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President, for the third time, laid upon the Council Table the Warrant appointing the Committee of Elections and Qualifications.

PAPERS.—The Honorable M. Hervey laid on the Council Table the following Papers :—

1. Admission of Attorneys.—Rule of Supreme Court (15th October, 1863).
2. St. Arnaud County Court.—Order in Council (7th September, 1863).
3. Camperdown County Court.—Order in Council (28th December, 1863).
4. St. Arnaud—Court of Mines holden at.—Order in Council (5th October, 1863).
5. Wedderburne—County Court at, discontinued.—Order in Council (30th November, 1863).
6. Korong—Court of Mines at, discontinued.—Order in Council (30th November, 1863).

Ordered severally to lie on the Table.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act for the Incorporation Regulation and Winding-up of Trading Companies and other Associations,*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 4th February, 1864.

TRADING COMPANIES BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Question—put and passed.

Bill read a first time.

The House adjourned during pleasure.

At five o'clock the President resumed the Chair.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to apply out of the Consolidated Revenue the sum of One hundred and twenty thousand seven hundred and eighty-two pounds twelve shillings and nine pence to the service of the year One thousand eight hundred and sixty-three and the sum of Five hundred thousand pounds to the service of the year One thousand eight hundred and sixty-four,*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 4th February, 1864.

CONSOLIDATED REVENUE BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same without amendment.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be, "*An Act to apply out of the Consolidated Revenue the sum of One hundred and twenty thousand seven hundred and eighty-two pounds twelve shillings and nine pence to the service of the year One thousand eight hundred and sixty-three and the sum of Five hundred thousand pounds to the service of the year One thousand eight hundred and sixty-four.*"

Question—put and passed.

Ordered—That a Message be carried to the Legislative Assembly to acquaint them that the Council have agreed to the Bill without amendment.

The Council adjourned at ten minutes past five o'clock until four o'clock on Tuesday, the 9th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 9TH FEBRUARY, 1864.

NOTICES OF MOTION :—

1. The Hon. W. H. F. MITCHELL : To move for leave to bring in a Bill to provide for draining and improving the outfall of land.
2. The Hon. W. HULL : To move, That a copy of Captain Scratchley's final Report upon the State of the External Defences of the Colony be laid upon the Table of this Honorable House.

ORDERS OF THE DAY :—

1. INDUSTRIAL SCHOOLS BILL.—To be read a second time.
2. TRADING COMPANIES BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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TUESDAY, 9TH FEBRUARY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

MESSAGE FROM THE GOVERNOR.—The Honorable M. Hervey presented the following Message from His Excellency the Governor :—

C. H. DARLING,
Governor.

The Governor informs the Legislative Council that, in consequence of his inability to attend at the Parliament Houses, he has this day, at the Government House, at Toorak, given the Queen's Assent to the undermentioned Act of the present Session, viz. :—

“ An Act to apply out of the Consolidated Revenue the Sum of One hundred and twenty thousand seven hundred and eighty-two pounds twelve shillings and nine pence to the service of the year One thousand eight hundred and sixty-three and the sum of Five hundred thousand pounds to the service of the year One thousand eight hundred and sixty-four.”

Government House, Toorak,
5th February, 1864.

Ordered to lie on the Table.

PAPERS.—The Honorable M. Hervey laid on the Council Table the following Papers :—

1. Observatory.—Third Report of Visitors (19th August, 1863).
2. Public Accounts.—Regulations (17th August, 1863).

Ordered severally to lie on the Table.

EXTERNAL DEFENCES OF THE COLONY.—The Honorable W. Hull, in accordance with notice, moved, That a copy of Captain Scratchley's Final Report upon the state of the External Defences of the Colony be laid upon the Table.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 16th instant :—

“ Industrial Schools Bill”—to be read a second time.

TRADING COMPANIES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable T. H. Fellows moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Tuesday next.

Ordered.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

PAPER.—The Honorable M. Hervey laid on the Council Table the following Paper :—

Education, Board of.—General Regulations (25th January, 1864).

Ordered to lie on the Table.

The Council adjourned at half-past four o'clock until four o'clock on Tuesday, the 16th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 16TH FEBRUARY, 1864.

NOTICE OF MOTION :—

1. The Hon. W. H. F. MITCHELL : To move for leave to bring in a Bill to provide for draining and improving the outfall of land.

ORDERS OF THE DAY :—

1. INDUSTRIAL SCHOOLS BILL.—To be read a second time.
2. TRADING COMPANIES BILL.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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TUESDAY, 16TH FEBRUARY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable M. Hervey laid on the Council Table the following Papers :—

1. Gold Fields Statistics, 1863.
2. Fees for Crown Grants and Leases.—Regulations (21st December, 1863).
3. Transportation.—Despatch from the Right Honorable the Secretary of State (26th December, 1863).

Ordered severally to lie on the Table.

BOARD OF EDUCATION.—The Honorable M. Hervey laid on the Table a Return to the Order of the Council made on the 2nd instant.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 23rd instant :—

“*Industrial Schools Bill*”—to be read a second time.

TRADING COMPANIES BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with amendments.

The Honorable T. H. Fellows moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled “*An Act to stay and prevent proceedings against persons concerned in levying certain duties of Customs*,” in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 16th February, 1864.

CUSTOMS DUTIES BILL.—On the motion of the Honorable M. Hervey, this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council the following Bills, severally intituled—

“*An Act to Consolidate the Law of Evidence.*”

“*An Act to Consolidate the Laws relating to the preventing the Printing and Publishing of Books and Papers by Persons not known and to the Printing and Publishing of Newspapers.*”

“*An Act to Consolidate the Law relating to Masters and Apprentices.*”

“*An Act to Consolidate the Laws relating to Masters and Servants.*”

“*An Act to Consolidate the Laws relating to the Customs and Excise.*”

- “ *An Act to Consolidate the Laws relating to Banks and the Currency.*”
 “ *An Act to Consolidate the Laws relating to Immigration into Victoria.*”
 “ *An Act to Consolidate the Law relating to Justices of the Peace and Courts
 of General and Petty Sessions.*”
 “ *An Act to regulate the Importation Carriage and Custody of Gunpowder.*”
 “ *An Act to Consolidate the Laws relating to Abattoirs and the Slaughtering of
 Cattle.*”
 “ *An Act to Consolidate the Laws affecting the Chinese emigrating to or
 resident in Victoria.*”
 “ *An Act to Consolidate the Laws for the Protection of Fisheries and Game.*”
 “ *An Act to Consolidate the Laws relating to the Volunteer Force.*”
 “ *An Act to Consolidate and Amend the Laws relating to Cemeteries.*”
 “ *An Act to Consolidate the Laws relating to Markets.*”
 “ *An Act to Consolidate the Law relating to Sales by Auction and Auctioneers.*”

in which several Bills the Legislative Assembly desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
16th February, 1864.

- LAW OF EVIDENCE CONSOLIDATION BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.
- PRINTING LAWS CONSOLIDATION BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.
- APPRENTICES LAW CONSOLIDATION BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.
- MASTERS AND SERVANTS LAWS CONSOLIDATION BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.
- CUSTOMS AND EXCISE LAWS CONSOLIDATION BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.
- BANKING AND CURRENCY LAWS CONSOLIDATION BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.
- IMMIGRATION LAWS CONSOLIDATION BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.
- JUSTICES LAWS CONSOLIDATION BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.
- IMPORTATION OF GUNPOWDER REGULATION BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.
- ABATTOIRS AND SLAUGHTERING OF CATTLE LAWS CONSOLIDATION BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.
- CHINESE IMMIGRANTS LAWS CONSOLIDATION BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.
- FISHERIES AND GAME LAWS CONSOLIDATION BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.
- VOLUNTEER FORCE LAWS CONSOLIDATION BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.
- CEMETERIES LAWS CONSOLIDATION BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.
- MARKETS LAWS CONSOLIDATION BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.
- AUCTION AND AUCTIONEERS LAWS CONSOLIDATION BILL.—On the motion of the Honorable T. H. Fellows, this Bill was read a first time, ordered to be printed, and read a second time on Tuesday next.

The Council adjourned at a quarter to six o'clock until four o'clock on Wednesday, the 17th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 17TH FEBRUARY, 1864.

Government Business.

ORDER OF THE DAY :—

1. TRADING COMPANIES BILL.—Adoption of Report.

General Business.

NOTICES OF MOTION :—

1. The Hon. W. H. F. MITCHELL : To move, That leave of absence for twelve months be granted to the Hon. James Ford Strachan.
2. The Hon. G. W. COLE : To move for—
 - (1.) Returns of all moneys expended on public piers or wharves from the year 1850 to 1863, both inclusive, distinguishing the amount expended each year on each pier or wharf.
 - (2.) Similar returns as to the repairs thereof.
 - (3.) Similar returns as to salaries paid in respect thereof.
 - (4.) Similar returns of the number of ships that have discharged thereat, and the tonnage thereof.
3. The Hon. W. H. F. MITCHELL : To move for leave to bring in a Bill to provide for draining and improving the outfall of land.

TUESDAY, 23RD FEBRUARY.

ORDERS OF THE DAY :—

1. INDUSTRIAL SCHOOLS BILL—To be read a second time.
2. CUSTOMS DUTIES BILL—To be read a second time.
3. LAW OF EVIDENCE CONSOLIDATION BILL—To be read a second time.
4. PRINTING LAWS CONSOLIDATION BILL—To be read a second time.
5. APPRENTICES LAW CONSOLIDATION BILL—To be read a second time.
6. MASTERS AND SERVANTS LAWS CONSOLIDATION BILL—To be read a second time.
7. CUSTOMS AND EXCISE LAWS CONSOLIDATION BILL—To be read a second time.
8. BANKING AND CURRENCY LAWS CONSOLIDATION BILL—To be read a second time.
9. IMMIGRATION LAWS CONSOLIDATION BILL—To be read a second time.
10. JUSTICES LAWS CONSOLIDATION BILL—To be read a second time.
11. IMPORTATION OF GUNPOWDER REGULATION BILL—To be read a second time.
12. ABATTOIRS AND SLAUGHTERING OF CATTLE LAWS CONSOLIDATION BILL—To be read a second time.
13. CHINESE IMMIGRANTS LAWS CONSOLIDATION BILL—To be read a second time.
14. FISHERIES AND GAME LAWS CONSOLIDATION BILL—To be read a second time.
15. VOLUNTEER FORCE LAWS CONSOLIDATION BILL—To be read a second time.
16. CEMETERIES LAWS CONSOLIDATION BILL—To be read a second time.
17. MARKETS LAWS CONSOLIDATION BILL—To be read a second time.
18. AUCTION AND AUCTIONEERS LAWS CONSOLIDATION BILL—To be read a second time.

NOTICE OF MOTION :—

1. The Honorable J. D. PINNOCK : To move for a Return of the gross sums expended on roads, railroads, bridges, buildings, &c., in the six electoral provinces of the colony, from 1857 to 1863, both inclusive, in the following form—

Province.	Roads.	Railroads.	Bridges.	Buildings &c.
Central ...				
Eastern ...				
North-Western				
Southern ...				
South-Western				
Western ...				

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



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WEDNESDAY, 17TH FEBRUARY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable T. H. Fellows laid on the Council Table the following Paper :—
Telegraphic Report of Shipping Arrivals.—Alteration in charge (25th January, 1864).
Ordered to lie on the Table.

PAPERS.—The Honorable M. Hervey laid on the Council Table the following Papers :—
1. Jamieson County Court.—Order in Council (8th February, 1864).
2. Jamieson Court of Mines.—Order in Council (8th February, 1864).
Ordered severally to lie on the Table.

TRADING COMPANIES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Report be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Tuesday next.

LEAVE OF ABSENCE TO HONORABLE J. F. STRACHAN.—The Honorable W. H. F. Mitchell, in accordance with notice, moved, That leave of absence for twelve months be granted to the Honorable James Ford Strachan.

Question—put and passed.

PUBLIC PIERS AND WHARVES.—The Honorable G. W. Cole, in accordance with *amended* notice, moved, That there be laid on the Table of the House—

(1.) Returns of all moneys expended on public piers or wharves from the year 1850 to 1863, both inclusive, distinguishing the amount expended each year on each pier or wharf.

(2.) Similar returns as to the repairs thereof.

Debate ensued.

Question—put and passed.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

PRINTING COMMITTEE.—FIRST REPORT.—The Honorable T. H. Power brought up the First Report of the Printing Committee and moved, That the same be adopted and printed.

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until four o'clock on Tuesday, the 23rd instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 23RD FEBRUARY, 1864.

NOTICES OF MOTION :—

1. The Hon. J. D. PINNOCK : To move for a Return of the gross sums expended on roads, railroads, bridges, buildings, &c., in the six electoral provinces of the colony, from 1857 to 1863, both inclusive, in the following form—

Province.	Roads.	Railroads.	Bridges.	Buildings &c.
Central ...				
Eastern ...				
North-Western				
Southern ...				
South-Western				
Western ...				

2. The Hon. W. H. F. MITCHELL : To move for leave to bring in a Bill to provide for draining and improving the outfall of land.

ORDERS OF THE DAY :—

1. INDUSTRIAL SCHOOLS BILL—To be read a second time.
2. CUSTOMS DUTIES BILL—To be read a second time.
3. LAW OF EVIDENCE CONSOLIDATION BILL—To be read a second time.
4. PRINTING LAWS CONSOLIDATION BILL—To be read a second time.
5. APPRENTICES LAW CONSOLIDATION BILL—To be read a second time.
6. MASTERS AND SERVANTS LAWS CONSOLIDATION BILL—To be read a second time.
7. CUSTOMS AND EXCISE LAWS CONSOLIDATION BILL—To be read a second time.
8. BANKING AND CURRENCY LAWS CONSOLIDATION BILL—To be read a second time.
9. IMMIGRATION LAWS CONSOLIDATION BILL—To be read a second time.
10. JUSTICES LAWS CONSOLIDATION BILL—To be read a second time.
11. IMPORTATION OF GUNPOWDER REGULATION BILL—To be read a second time.
12. ABATTOIRS AND SLAUGHTERING OF CATTLE LAWS CONSOLIDATION BILL—To be read a second time.
13. CHINESE IMMIGRANTS LAWS CONSOLIDATION BILL—To be read a second time.
14. FISHERIES AND GAME LAWS CONSOLIDATION BILL—To be read a second time.
15. VOLUNTEER FORCE LAWS CONSOLIDATION BILL—To be read a second time.
16. CEMETERIES LAWS CONSOLIDATION BILL—To be read a second time.
17. MARKETS LAWS CONSOLIDATION BILL—To be read a second time.
18. AUCTION AND AUCTIONEERS LAWS CONSOLIDATION BILL—To be read a second time.
19. TRADING COMPANIES BILL—To be read a third time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 23RD FEBRUARY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

EXPENDITURE IN PROVINCES.—The Honorable J. D. Pinnock, in accordance with *amended* notice, moved, That there be laid on the Table of the House a Return of the gross sums expended on roads, railroads, bridges, buildings, &c., in the six electoral provinces of the colony, from 1857 to 1863, both inclusive, and also of the gross amount received for lands alienated from the Crown in the several provinces during the same period, in the following form—

Province.	Roads.	Railroads.	Bridges.	Buildings, &c.	Gross amount received for sale of land.
Central ...					
Eastern ...					
North-Western					
South ...					
South-Western					
Western ...					

Question—put and passed.

DRAINAGE BILL.—The Hon. W. H. F. MITCHELL, in accordance with notice, moved for leave to bring in a Bill to provide for draining and improving the outfall of land.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable W. H. F. Mitchell, read a first time, ordered to be printed, and read a second time on Tuesday, the 15th proximo.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers :—

1. Expenditure (1861) under Schedule D to Act 18 and 19 Vic., cap. 55.
2. Expenditure under Schedule D to Act 18 and 19 Vic., cap. 55, on account of 1862, defrayed during 1862.
3. Sanatory Station.—Report of Chief Medical Officer, for the Year 1863.
4. Pilot Board—Accounts of, for year ending 31st August, 1863.

Ordered severally to lie on the Table.

INDUSTRIAL SCHOOLS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Tuesday next.

Ordered.

PAPER.—The Honorable M. Hervey laid on the Table, the following Paper :—

Lands Sold and Leased under Land Act of 1862.

Ordered to lie on the Table.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "*An Act to consolidate the Law relating to Instruments and Securities;*" also a Bill, intituled "*An Act to consolidate the Law relating to Trusts and Trustees;*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 23rd February, 1864.

INSTRUMENTS AND SECURITIES CONSOLIDATION BILL.—On the motion of the Honorable M. Hervey, this Bill was read a first time, ordered to be printed, and read a second time on Tuesday, the 1st proximo.

TRUSTS AND TRUSTEES CONSOLIDATION BILL.—On the motion of the Honorable M. Hervey, this Bill was read a first time, ordered to be printed, and read a second time on Tuesday, the 1st proximo.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until the days hereunder set down :—

- "*Customs Duties Bill*"—To be read a second time, Wednesday, 24th instant ;
- "*Law of Evidence Consolidation Bill*"—To be read a second time,
- "*Printing Laws Consolidation Bill*"—To be read a second time,
- "*Apprentices Law Consolidation Bill*"—To be read a second time,
- "*Masters and Servants Laws Consolidation Bill*"—To be read a second time,
- "*Customs and Excise Laws Consolidation Bill*"—To be read a second time,
- "*Banking and Currency Laws Consolidation Bill*"—To be read a second time,
- "*Immigration Laws Consolidation Bill*"—To be read a second time,
- "*Justices Laws Consolidation Bill*"—To be read a second time,
- "*Importation of Gunpowder Regulation Bill*"—To be read a second time,
- "*Abattoirs and Slaughtering of Cattle Laws Consolidation Bill*"—To be read a second time,
- "*Chinese Immigrants Laws Consolidation Bill*"—To be read a second time,
- "*Fisheries and Game Laws Consolidation Bill*"—To be read a second time,
- "*Volunteer Force Laws Consolidation Bill*"—To be read a second time,
- "*Cemeteries Laws Consolidation Bill*"—To be read a second time,
- "*Markets Laws Consolidation Bill*"—To be read a second time, and
- "*Auction and Auctioneers Laws Consolidation Bill*"—To be read a second time, Tuesday, 1st proximo.

TRADING COMPANIES BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act for the Incorporation Regulation and Winding-up of Trading Companies and other Associations.*"

Question—put and passed.

Ordered—That the Bill be carried to the Legislative Assembly, with a Message acquainting them that the Council have agreed to the Bill with amendments, and requesting their concurrence therewith.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

BUSINESS PAPER.—The Honorable M. Hervey moved, That all business set down for intermediate days be set down on the Business Paper for Tuesday next.

Question—put and passed.

The Council adjourned at five minutes past five o'clock until four o'clock on Tuesday, the 1st proximo.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 1ST MARCH, 1864.

NOTICES OF MOTION :—

1. The Hon. W. H. F. MITCHELL: To move, That there be laid upon the Table of this House the "Original Rules" of the Board of Education, as submitted for confirmation.
2. The Hon. J. P. BEAR: To move, That there be laid upon the Table of this House all documents and papers connected with the appointment of Postmaster at Epping; likewise, copies of the correspondence at different times between applicants for appointment and the Post Office department.

ORDERS OF THE DAY :—

1. INDUSTRIAL SCHOOLS BILL—To be further considered in Committee.
2. INSTRUMENTS AND SECURITIES CONSOLIDATION BILL—To be read a second time.
3. TRUSTS AND TRUSTEES CONSOLIDATION BILL—To be read a second time.
4. LAW OF EVIDENCE CONSOLIDATION BILL—To be read a second time.
5. PRINTING LAWS CONSOLIDATION BILL—To be read a second time.
6. APPRENTICES LAW CONSOLIDATION BILL—To be read a second time.
7. MASTERS AND SERVANTS LAWS CONSOLIDATION BILL—To be read a second time.
8. CUSTOMS AND EXCISE LAWS CONSOLIDATION BILL—To be read a second time.
9. BANKING AND CURRENCY LAWS CONSOLIDATION BILL—To be read a second time.
10. IMMIGRATION LAWS CONSOLIDATION BILL—To be read a second time.
11. JUSTICES LAWS CONSOLIDATION BILL—To be read a second time.
12. IMPORTATION OF GUNPOWDER REGULATION BILL—To be read a second time.
13. ABATTOIRS AND SLAUGHTERING OF CATTLE LAWS CONSOLIDATION BILL—To be read a second time.
14. CHINESE IMMIGRANTS LAWS CONSOLIDATION BILL—To be read a second time.
15. FISHERIES AND GAME LAWS CONSOLIDATION BILL—To be read a second time.
16. VOLUNTEER FORCE LAWS CONSOLIDATION BILL—To be read a second time.
17. CEMETERIES LAWS CONSOLIDATION BILL—To be read a second time.
18. MARKETS LAWS CONSOLIDATION BILL—To be read a second time.
19. AUCTION AND AUCTIONEERS LAWS CONSOLIDATION BILL—To be read a second time.
20. CUSTOMS DUTIES BILL—To be read a second time.

TUESDAY, 15TH MARCH.

ORDER OF THE DAY :—

1. DRAINAGE BILL—To be read a second time.

M E E T I N G

OF

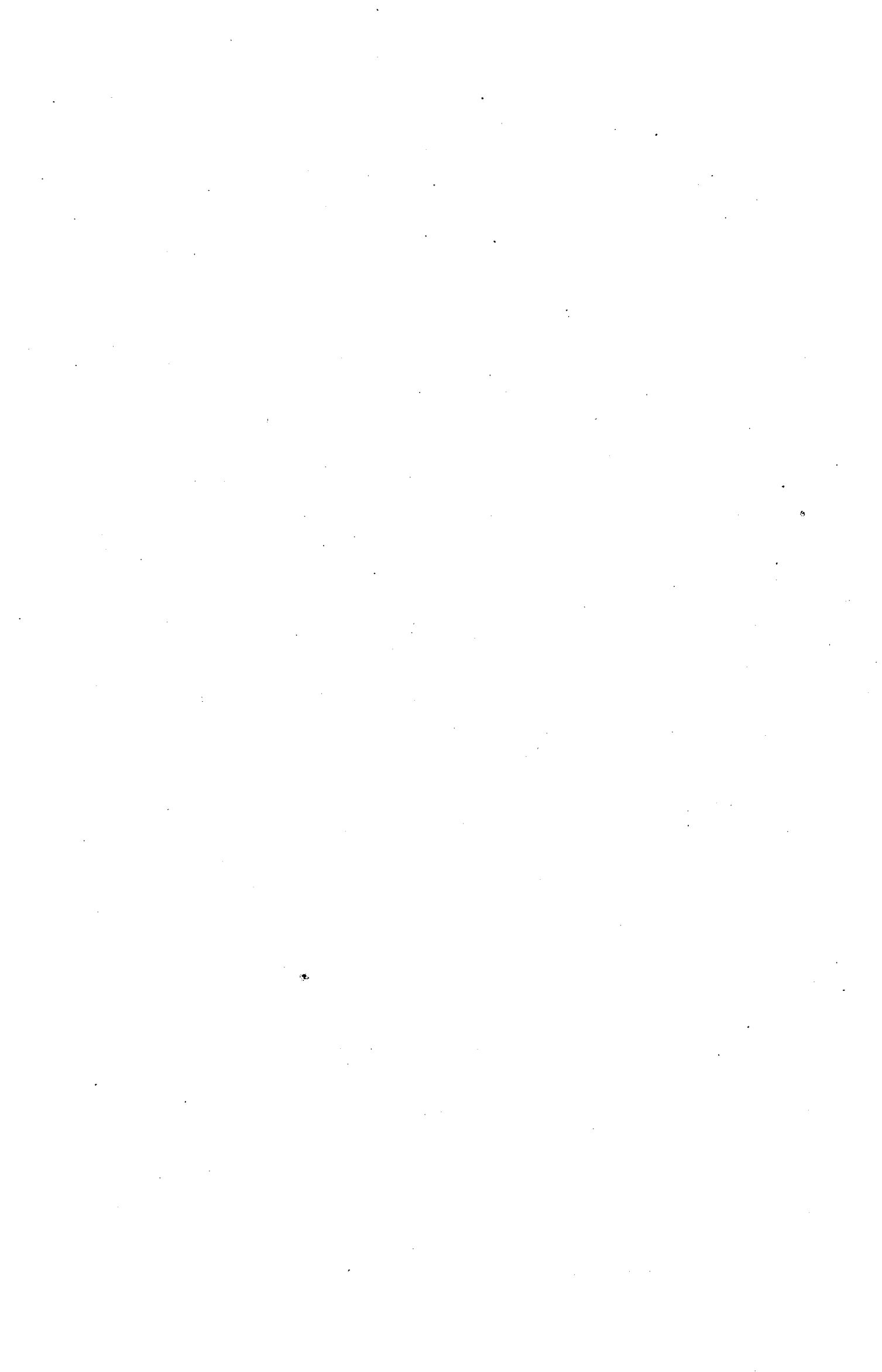
S E L E C T C O M M I T T E E .

Tuesday, 1st March, 1864.

. PRINTING—at quarter to 4 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 1ST MARCH, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House, at its rising, adjourn until Thursday next.

Question—put and passed.

DECEASE OF MEMBER.—The Honorable M. Hervey moved, That, as a mark of respect for the memory of the Honorable Donald Kennedy, now deceased, the House do now adjourn.

Question—put and passed..

The Council adjourned at a quarter past four o'clock until four o'clock on Thursday, the 3rd instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 3RD MARCH, 1864.

NOTICES OF MOTION:—

1. The Hon. W. H. F. MITCHELL: To move, That there be laid upon the Table of this House the "Original Rules" of the Board of Education, as submitted for confirmation.
2. The Hon. J. P. BEAR: To move, That there be laid upon the Table of this House all documents and papers connected with the appointment of Postmaster at Epping; likewise, copies of the correspondence at different times between applicants for appointment and the Post Office department.

ORDERS OF THE DAY:—

1. INDUSTRIAL SCHOOLS BILL—To be further considered in Committee.
2. INSTRUMENTS AND SECURITIES CONSOLIDATION BILL—To be read a second time.
3. TRUSTS AND TRUSTEES CONSOLIDATION BILL—To be read a second time.
4. LAW OF EVIDENCE CONSOLIDATION BILL—To be read a second time.
5. PRINTING LAWS CONSOLIDATION BILL—To be read a second time.
6. APPRENTICES LAW CONSOLIDATION BILL—To be read a second time.
7. MASTERS AND SERVANTS LAWS CONSOLIDATION BILL—To be read a second time.
8. CUSTOMS AND EXCISE LAWS CONSOLIDATION BILL—To be read a second time.
9. BANKING AND CURRENCY LAWS CONSOLIDATION BILL—To be read a second time.
10. IMMIGRATION LAWS CONSOLIDATION BILL—To be read a second time.
11. JUSTICES LAWS CONSOLIDATION BILL—To be read a second time.
12. IMPORTATION OF GUNPOWDER REGULATION BILL—To be read a second time.
13. ABATTOIRS AND SLAUGHTERING OF CATTLE LAWS CONSOLIDATION BILL—To be read a second time.

14. CHINESE IMMIGRANTS LAWS CONSOLIDATION BILL—To be read a second time.
15. FISHERIES AND GAME LAWS CONSOLIDATION BILL—To be read a second time.
16. VOLUNTEER FORCE LAWS CONSOLIDATION BILL—To be read a second time.
17. CEMETERIES LAWS CONSOLIDATION BILL—To be read a second time.
18. MARKETS LAWS CONSOLIDATION BILL—To be read a second time.
19. AUCTION AND AUCTIONEERS LAWS CONSOLIDATION BILL—To be read a second time.
20. CUSTOMS DUTIES BILL—To be read a second time.

TUESDAY, 15TH MARCH.

ORDER OF THE DAY:—

1. DRAINAGE BILL—To be read a second time.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 3RD MARCH, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

EQUALITY OF VOTES IN NORTH-WESTERN PROVINCE, 1856.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That the question concerning the decision by lot as to the retirement of one Member for the North-Western Province (two Members having received an equal number of votes at the General Election in 1856) be referred to the Elections and Qualifications Committee.

Question—put and passed.

PRINTING COMMITTEE.—SECOND REPORT.—The Honorable W. Hull brought up the Second Report of the Printing Committee, and moved that the same be adopted and printed.

Question—put and passed.

PAPER.—The Honorable M. Hervey laid on the Council Table the following paper:—

1. Beechworth District Court of Mines to be held at Sale.—Order in Council (15th February, 1864).

Ordered to lie on the Table.

WATER WORKS—YAN YEAN.—The Honorable M. Hervey laid on the Table a Return to the Order of the House made on the 2nd ultimo.

SUBPŒNA SERVED ON CLERK OF COUNCIL.—The President informed the Council that a subpœna had been served on the Clerk of the House to attend at the Supreme Court, and to produce there the original map of the ten millions of acres of land reserved for proclamation in agricultural areas referred to in the twelfth section of the "*Land Act, 1862.*"

The Honorable J. D. Pinnock moved, That the map in question be not allowed to leave the Parliament Houses.

Debate ensued.

Debate adjourned until after the disposal of the business on the paper.

ORIGINAL RULES OF THE BOARD OF EDUCATION.—The Honorable W. H. F. Mitchell, in accordance with notice, moved, That there be laid upon the Table of this House the "Original Rules" of the Board of Education, as submitted for confirmation.

Question—put and passed.

POSTMASTER AT EPPING.—The Honorable J. P. Bear, in accordance with notice, moved, That there be laid upon the Table of this House all documents and papers connected with the appointment of postmaster at Epping; likewise, copies of the correspondence at different times between applicants for appointment and the Post Office Department.

Question—put and passed.

INDUSTRIAL SCHOOLS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.

Ordered.—That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act for the Incorporation Regulation and Winding up of Trading Companies and other Associations,*" and acquaint the Legislative Council that they have agreed to the amendments made therein by the Legislative Council, and have made an amendment in the Bill, consequent upon one of the amendments of the Legislative Council, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 1st March, 1864.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to Consolidate and amend Acts now in force in Victoria relating to Real Property;*"

Also a Bill intituled "*An Act to Consolidate the Laws relating to Landlord and Tenant;*"

Also a Bill intituled "*An Act to apply out of the Consolidated Revenue the Sum of One million three hundred and thirteen thousand four hundred and nine pounds nine shillings and one penny to the Service of the Year One thousand eight hundred and sixty-four;*"

in which several Bills they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 1st March, 1864.

TRADING COMPANIES BILL.—The Honorable T. H. Fellows moved, That the amendment made by the Legislative Assembly, consequent on an amendment made by the Legislative Council in the Bill, be now taken into consideration.

Question—put and passed.

The amendment was read, as follows, viz.:—Clause I., last line, omit "181," insert "182."

The Honorable T. H. Fellows moved, That the amendment be agreed to.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, acquainting them that the Council have agreed to the amendment.

REAL PROPERTY ACTS CONSOLIDATION AND AMENDMENT BILL.—The Honorable T. H. Fellows moved, That this Bill, now brought from the Legislative Assembly, be now read a first time.

Question—put and passed.

Bill read a first time, ordered to be printed, and read a second time on Thursday, the 10th instant.

LANDLORD AND TENANTS LAWS CONSOLIDATION BILL.—The Honorable T. H. Fellows moved, That this Bill, now brought from the Legislative Assembly, be now read a first time.

Question—put and passed.

Bill read a first time, ordered to be printed, and read a second time on Thursday, the 10th instant.

CONSOLIDATED REVENUE BILL (2).—The Honorable M. Hervey moved, That this Bill, now brought from the Legislative Assembly, be now read a first time.

Question—put and passed.

Bill read a first time, ordered to be printed, and read a second time on Tuesday next.

INSTRUMENTS AND SECURITIES CONSOLIDATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable T. H. Fellows moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same without amendment.

The Honorable T. H. Fellows moved, That the report of the Committee be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Tuesday next.

CONSOLIDATION BILLS, SECOND READING.—On the motion of the Honorable T. H. Fellows, the following Bills were read a second time :—Trusts and Trustees Consolidation Bill, Law of Evidence Consolidation Bill, Printing Laws Consolidation Bill, Apprentices Law Consolidation Bill, Masters and Servants Laws Consolidation Bill, Customs and Excise Laws Consolidation Bill, Banking and Currency Laws Consolidation Bill, Immigration Laws Consolidation Bill, Justices Laws Consolidation Bill, Importation of Gunpowder Regulation Bill, Abattoirs and Slaughtering of Cattle Laws Consolidation Bill, Chinese Immigrants Laws Consolidation Bill, Fisheries and Game Laws Consolidation Bill, Volunteer Force Laws Consolidation Bill, Cemeteries Laws Consolidation Bill, Markets Laws Consolidation Bill, and Auction and Auctioneers Laws Consolidation Bill.

CONSOLIDATION BILLS COMMITTAL.—The Honorable T. H. Fellows moved, That the consideration in Committee of the whole Council of the Trusts and Trustees Consolidation Bill, the Law of Evidence Consolidation Bill, the Printing Laws Consolidation Bill, the Apprentices Law Consolidation Bill, the Masters and Servants Laws Consolidation Bill, the Customs and Excise Laws Consolidation Bill, the Banking and Currency Laws Consolidation Bill, and the Immigration Laws Consolidation Bill, be made Orders of the Day for Tuesday next.

Question—put and passed.

JUSTICES LAWS CONSOLIDATION BILL.—The Honorable T. H. Fellows moved, That the consideration of this Bill in Committee of the whole Council be made an Order of the Day for Wednesday next.

Question—put and passed.

CONSOLIDATION BILLS COMMITTAL.—The Honorable T. H. Fellows moved, That the consideration in Committee of the whole Council of the Importation of Gunpowder Regulation Bill, Abattoirs and Slaughtering of Cattle Laws Consolidation Bill, Chinese Immigrants Laws Consolidation Bill, be made Orders of the Day for Tuesday next.

Question—put and passed.

CONSOLIDATION BILLS COMMITTAL.—The Honorable T. H. Fellows moved, That the consideration in Committee of the whole Council of the Fisheries and Game Laws Consolidation Bill, and of the Volunteer Force Laws Consolidation Bill, be made Orders of the Day for Thursday next.

Question—put and passed.

CONSOLIDATION BILLS COMMITTAL.—The Honorable T. H. Fellows moved, That the consideration in Committee of the whole Council of the Cemeteries Laws Consolidation Bill, the Market Laws Consolidation Bill, and the Auction and Auctioneers Laws Consolidation Bill, be made Orders of the Day for Tuesday next.

Question—put and passed.

CUSTOMS DUTIES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable T. H. Fellows moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Tuesday next.

Ordered.

SUBPENA SERVED ON CLERK OF COUNCIL.—Debate resumed.

Original motion, by leave, withdrawn.

The Honorable M. Hervey moved, That Mr. Rusden be permitted to take the map in question to the Supreme Court.

Question—put and passed.

The Council adjourned at a quarter to six o'clock until four o'clock on Tuesday, the 8th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 8TH MARCH, 1864.

1. The Hon. S. G. HENTY: To ask the Honorable the Commissioner of Public Works, Whether it is the intention of the Government to prosecute the Marine Survey of the Coast line from Port Phillip Heads round Cape Otway to the westward boundary of the colony; and if so, when?

Also, Whether any decision has been come to for the erection of the long-needed lighthouse on Cape Nelson.

NOTICES OF MOTION:—

1. The Hon. F. ROBERTSON: To move, That a copy of the conditions under which the new and forfeited runs were disposed of by Messrs. Fraser and Cohen under instructions from the Government be laid on the Table of the House.
2. The Hon. J. P. FAWKNER: To move for leave to bring in a Bill to incorporate the contributors to the Hospital or other charitable bodies.

ORDERS OF THE DAY:—

1. INDUSTRIAL SCHOOLS BILL—Adoption of Report.
2. CONSOLIDATED REVENUE BILL (2).—To be read a second time.
3. INSTRUMENTS AND SECURITIES CONSOLIDATION BILL—To be read a third time.
4. TRUSTS AND TRUSTEES CONSOLIDATION BILL—To be considered in Committee.
5. LAW OF EVIDENCE CONSOLIDATION BILL—To be considered in Committee.
6. PRINTING LAWS CONSOLIDATION BILL—To be considered in Committee.
7. APPRENTICES LAW CONSOLIDATION BILL—To be considered in Committee.
8. MASTERS AND SERVANTS LAWS CONSOLIDATION BILL—To be considered in Committee.
9. CUSTOMS AND EXCISE LAWS CONSOLIDATION BILL—To be considered in Committee.
10. BANKING AND CURRENCY LAWS CONSOLIDATION BILL—To be considered in Committee.
11. IMMIGRATION LAWS CONSOLIDATION BILL—To be considered in Committee.
12. IMPORTATION OF GUNPOWDER REGULATION BILL—To be considered in Committee.
13. ABATTOIRS AND SLAUGHTERING OF CATTLE LAWS CONSOLIDATION BILL—To be considered in Committee.
14. CHINESE IMMIGRANTS LAWS CONSOLIDATION BILL—To be considered in Committee.
15. CEMETERIES LAWS CONSOLIDATION BILL—To be considered in Committee.
16. MARKETS LAWS CONSOLIDATION BILL—To be considered in Committee.
17. AUCTION AND AUCTIONEERS LAWS CONSOLIDATION BILL—To be considered in Committee.
18. CUSTOMS DUTIES BILL—To be further considered in Committee.

WEDNESDAY, 9TH MARCH.

Government Business.

ORDER OF THE DAY:—

1. JUSTICES LAWS CONSOLIDATION BILL—To be considered in Committee.

THURSDAY, 10TH MARCH.

ORDERS OF THE DAY:—

1. REAL PROPERTY ACTS CONSOLIDATION AND AMENDMENT BILL.—To be read a second time.
2. LANDLORD AND TENANT LAWS CONSOLIDATION BILL.—To be read a second time.
3. FISHERIES AND GAME LAWS CONSOLIDATION BILL—To be considered in Committee.
4. VOLUNTEER FORCE LAWS CONSOLIDATION BILL—To be considered in Committee.

TUESDAY, 15TH MARCH.

ORDER OF THE DAY:—

1. DRAINAGE BILL—To be read a second time.

M E E T I N G
OF
S E L E C T C O M M I T T E E .

Tuesday, 8th March.

ELECTIONS AND QUALIFICATIONS—at 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 8TH MARCH, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable W. H. F. Mitchell presented a Petition, signed by J. D. Ferguson and others, praying for certain alterations in the *Common Schools Act*.
Petition received.

ISSUE OF WRIT.—The President announced that a letter had been received from the Private Secretary to His Excellency the Governor, reporting, for the information of the President, that His Excellency has issued a Writ, returnable on the 12th April next, for the election of a Member for the South Province, in place of the Honorable Donald Kennedy, deceased.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers:—

1. Board of Education.—Second Report.
2. Statistics of Victoria (1862).
3. Friendly Societies, Return of (1863).

Ordered severally to lie on the Table.

PUBLIC PIERS AND WHARVES.—The Honorable M. Hervey laid on the Table a Return to the Order of the House of the 17th of February.

ORIGINAL RULES OF THE BOARD OF EDUCATION.—The Honorable M. Hervey laid on the Table a Return to the Order of the House of the 3rd instant.

EQUALITY OF VOTES IN NORTH-WESTERN PROVINCE, 1856.—The Honorable J. P. Fawkner, as Chairman of the Elections and Qualifications Committee, to which the question concerning the decision by lot as to the retirement of one member for the North-Western Province (two members having received an equal number of votes at the General Election in 1856) was referred, brought up the Report of the Committee and moved that the same be read.

The Report was read at the Table by the Clerk as follows:—

Your Committee have deliberated on the matter referred to them, and recommend to your Honorable House that the figures "1864" be written on one piece of paper, and the figures "1866" be written on another, and that the papers so inscribed be placed in separate envelopes, and that they be placed on the table of the House, so that when called upon by the President the Honorable Members whose seats are in question may each take one; and that the Honorable Member taking the paper inscribed "1864" shall retire in the present year, according to the terms of the Constitution Act.

JOHN P. FAWKNER,
Chairman.

The Honorable J. P. Fawkner moved, That the Report be now adopted.

Question—put and passed.

The President having addressed the Honorable Members now holding the seats to which the Honorables J. Allan and D. P. Keogh were elected in 1856, called upon them, viz., upon the Honorables A. Fraser and F. Robertson to take, each, one envelope.

The Honorable A. Fraser having drawn the paper inscribed "1866," and the Honorable F. Robertson having drawn the paper inscribed "1864," the President declared that the Honorable F. Robertson would retire in the present year.

FORFEITED AND NEW RUNS.—The Honorable F. Robertson, in accordance with notice, moved, That a copy of the conditions under which the new and forfeited runs were disposed of by Messrs. Fraser and Cohen, under instructions from the Government, be laid on the Table of the House.

Question—put and passed.

HOSPITAL BILL.—The Honorable J. P. Fawkner, in accordance with notice, moved, That leave be given to bring in a Bill to incorporate the contributors to the Hospital or other charitable bodies.

Question—put and passed.

Bill brought in, and upon the motion of the Honorable J. P. Fawkner, read a first time, ordered to be printed, and read a second time on Tuesday, the 22nd instant.

INDUSTRIAL SCHOOLS BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable M. Hervey moved, That the Report be now adopted.

Debate ensued.

Amendment moved by the Honorable W. H. F. Mitchell, That all the words after the word “That” be omitted, with a view to insert the words “the Bill be now re-committed” instead thereof.

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

Council divided.

Contents, 6.
The Hon. C. J. Jenner
J. P. Fawkner
J. McCrae
G. W. Cole
B. Williams
W. Hull (*Teller*).

Not Contents, 16.
The Hon. W. Campbell
T. H. Fellows
Dr. Hope
T. H. Power
J. P. Bear
M. Hervey
J. Henty
W. Degraives
W. J. T. Clarke
F. Robertson
W. Highett
W. H. F. Mitchell
A. Fraser
R. Turnbull
J. D. Pinnock
T. T. a'Beckett (*Teller*).

The question was therefore negatived.

Further amendment moved by the Honorable T. H. Fellows, That the words “on the third clause,” be added to the words proposed to be inserted.

Question—put and passed.

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

Question—That the Bill be now re-committed on the third clause—put and passed.

Question—That the President do now leave the chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Bill with a further amendment.

The Honorable M. Hervey moved, That the Report of the Committee be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for to-morrow.

CONSOLIDATED REVENUE BILL (2).—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Bill without amendment.

The Honorable M. Hervey moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Chairman of Committees having reported that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be, “*An Act to apply out of the Consolidated Revenue the sum of One million three hundred and thirteen thousand four hundred and nine pounds nine shillings and one penny to the service of the year One thousand eight hundred and sixty-four.*”

Question—put and passed.

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

INSTRUMENTS AND SECURITIES CONSOLIDATION BILL.—The Order of the Day for the third reading of this Bill being called on, the Honorable T. H. Fellows moved, That the Order of the Day be discharged from the Paper, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with an amendment.

The Honorable T. H. Fellows moved, That the Report of the Committee be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Wednesday, the 10th instant.

TRUSTS AND TRUSTEES CONSOLIDATION BILL—LAW OF EVIDENCE CONSOLIDATION BILL—PRINTING LAWS CONSOLIDATION BILL—APPRENTICES LAW CONSOLIDATION BILL—MASTERS AND SERVANTS LAWS CONSOLIDATION BILL—CUSTOMS AND EXCISE LAWS CONSOLIDATION BILL—BANKING AND CURRENCY LAWS CONSOLIDATION BILL—IMMIGRATION LAWS CONSOLIDATION BILL—IMPORTATION OF GUNPOWDER REGULATION BILL—ABATTOIRS AND SLAUGHTERING OF CATTLE LAWS CONSOLIDATION BILL—CHINESE IMMIGRANTS LAWS CONSOLIDATION BILL—CEMETERIES LAWS CONSOLIDATION BILL—MARKETS LAWS CONSOLIDATION BILL—AUCTION AND AUCTIONEERS LAWS CONSOLIDATION BILL.—The Order of the Day for the consideration of these Bills in Committee of the whole Council having been read, the Honorable T. H. Fellows moved, That the said Bills be considered in the same Committee.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bills, and had agreed to the same with an amendment in each severally.

The Honorable T. H. Fellows moved, That, the Report of the Committee on the Bills be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bills be set down for Thursday, the 10th instant.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 15th instant :—

“*Customs Duties Bill*”—To be further considered in Committee.

ADJOURNMENT.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That the House at its rising this day adjourn until Thursday next.

Question—put and passed.

BUSINESS POSTPONED.—The Honorable T. H. Fellows moved, That the business set down for Wednesday be postponed until Thursday next.

Question—put and passed.

The Council adjourned at twenty minutes to six o'clock until four o'clock on Thursday, the 10th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 10TH MARCH, 1864.

ORDERS OF THE DAY :—

1. REAL PROPERTY ACTS CONSOLIDATION AND AMENDMENT BILL.—To be read a second time.
2. LANDLORD AND TENANT LAWS CONSOLIDATION BILL.—To be read a second time.
3. FISHERIES AND GAME LAWS CONSOLIDATION BILL.—To be considered in Committee.
4. VOLUNTEER FORCE LAWS CONSOLIDATION BILL.—To be considered in Committee.
5. TRUSTS AND TRUSTEES CONSOLIDATION BILL.—To be read a third time.
6. LAW OF EVIDENCE CONSOLIDATION BILL.—To be read a third time.
7. PRINTING LAWS CONSOLIDATION BILL.—To be read a third time.
8. APPRENTICES LAW CONSOLIDATION BILL.—To be read a third time.
9. MASTERS AND SERVANTS LAWS CONSOLIDATION BILL.—To be read a third time.
10. CUSTOMS AND EXCISE LAWS CONSOLIDATION BILL.—To be read a third time.
11. BANKING AND CURRENCY LAWS CONSOLIDATION BILL.—To be read a third time.
12. IMMIGRATION LAWS CONSOLIDATION BILL.—To be read a third time.
13. IMPORTATION OF GUNPOWDER REGULATION BILL.—To be read a third time.
14. ABATTOIRS AND SLAUGHTERING OF CATTLE LAWS CONSOLIDATION BILL.—To be read a third time.
15. CHINESE IMMIGRANTS LAWS CONSOLIDATION BILL.—To be read a third time.
16. CEMETERIES LAWS CONSOLIDATION BILL.—To be read a third time.

17. MARKETS LAWS CONSOLIDATION BILL—To be read a third time.
18. AUCTION AND AUCTIONEERS LAWS CONSOLIDATION BILL—To be read a third time.
19. INDUSTRIAL SCHOOLS BILL—To be read a third time.
20. INSTRUMENTS AND SECURITIES CONSOLIDATION BILL—To be read a third time.
21. JUSTICES LAWS CONSOLIDATION BILL—To be considered in Committee.

TUESDAY, 15TH MARCH.

ORDERS OF THE DAY :—

1. DRAINAGE BILL.—To be read a second time.
2. CUSTOMS DUTIES BILL.—To be further considered in Committee.

TUESDAY, 22ND MARCH.

ORDER OF THE DAY :—

1. HOSPITAL BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
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LEGISLATIVE COUNCIL.

THURSDAY, 10TH MARCH, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers:—

1. Rutherglen—Beechworth Court of Mines to be holden at.—Order in Council (29th February, 1864).
2. Rutherglen—County Court to be holden at.—Order in Council (29th February, 1864).

Ordered severally to lie on the Table.

POSTPONEMENTS.—The following Orders of the Day were postponed until after the disposal of the other business on the paper:—

- “*Real Property Acts Consolidation and Amendment Bill*”—To be read a second time
 “*Landlord and Tenant Laws Consolidation Bill*”—To be read a second time.
 “*Fisheries and Game Laws Consolidation Bill*”—To be considered in Committee.
 “*Volunteer Force Laws Consolidation Bill*”—To be considered in Committee.

TRUSTS AND TRUSTEES CONSOLIDATION BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be “*An Act to Consolidate the Laws relating to Trusts and Trustees.*”

Question—put and passed.

LAW OF EVIDENCE CONSOLIDATION BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be “*An Act to Consolidate the Law of Evidence.*”

Question—put and passed.

PRINTING LAWS CONSOLIDATION BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be “*An Act to Consolidate the Laws relating to the preventing the Printing and Publishing of Books and Papers by Persons not known and to the Printing and Publishing of Newspapers.*”

Question—put and passed.

APPRENTICES LAW CONSOLIDATION BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be “*An Act to Consolidate the Law relating to Masters and Apprentices.*”

Question—put and passed.

MASTERS AND SERVANTS LAWS CONSOLIDATION BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be “*An Act to Consolidate the Laws relating to Masters and Servants.*”

Question—put and passed.

- CUSTOMS AND EXCISE LAWS CONSOLIDATION BILL.**—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.
- The Honorable M. Hervey moved, That the title of the Bill be "*An Act to Consolidate the Laws relating to the Customs and Excise.*"
- Question—put and passed.
- BANKING AND CURRENCY LAWS CONSOLIDATION BILL.**—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.
- The Honorable M. Hervey moved, That the title of the Bill be "*An Act to Consolidate the Laws relating to Banks and the Currency.*"
- Question—put and passed.
- IMMIGRATION LAWS CONSOLIDATION BILL.**—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.
- The Honorable M. Hervey moved, That the title of the Bill be "*An Act to Consolidate the Laws relating to Immigration into Victoria.*"
- Question—put and passed.
- IMPORTATION OF GUNPOWDER REGULATION BILL.**—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.
- The Honorable M. Hervey moved, That the title of the Bill be "*An Act to regulate the Importation Carriage and Custody of Gunpowder.*"
- Question—put and passed.
- ABATTOIRS AND SLAUGHTERING OF CATTLE LAWS CONSOLIDATION BILL.**—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.
- The Honorable M. Hervey moved, That the title of the Bill be "*An Act to Consolidate the Laws relating to Abattoirs and the Slaughtering of Cattle.*"
- Question—put and passed.
- CHINESE IMMIGRANTS LAWS CONSOLIDATION BILL.**—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.
- The Honorable M. Hervey moved, That the title of the Bill be "*An Act to Consolidate the Laws affecting the Chinese emigrating to or resident in Victoria.*"
- Question—put and passed.
- CEMETERIES LAWS CONSOLIDATION BILL.**—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.
- The Honorable M. Hervey moved, That the title of the Bill be "*An Act to Consolidate and Amend the Laws relating to Cemeteries.*"
- Question—put and passed.
- MARKETS LAWS CONSOLIDATION BILL.**—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.
- The Honorable M. Hervey moved, That the title of the Bill be "*An Act to Consolidate the Laws relating to Markets.*"
- Question—put and passed.
- AUCTION AND AUCTIONEERS LAWS CONSOLIDATION BILL.**—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.
- The Honorable M. Hervey moved, That the title of the Bill be "*An Act to Consolidate the Law relating to Sales by Auction and Auctioneers.*"
- Question—put and passed.
- INDUSTRIAL SCHOOLS BILL.**—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.
- The Honorable M. Hervey moved, That the title of the Bill be "*An Act to provide for Industrial and Reformatory Schools.*"
- Question—put and passed.
- Ordered—That the Bill be carried to the Legislative Assembly, with a Message desiring their concurrence therewith.

INSTRUMENTS AND SECURITIES CONSOLIDATION BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to Consolidate the Law relating to Instruments and Securities.*"

Question—put and passed.

Ordered—That the Consolidation Bills, now read a third time, be returned to the Legislative Assembly, with a Message acquainting them that the Council have agreed to the same with an amendment in each, and desiring their concurrence therewith.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly:—

MR. PRESIDENT—

The Legislative Assembly desire to call the attention of the Legislative Council to a resolution contained in the Minutes of the Proceedings of the Council on the 3rd March instant, giving permission to Mr. Rusden to take to the Supreme Court a map of the colony deposited with him as Clerk of the Parliaments, without the concurrence of the Legislative Assembly having been sought in the said resolution; and the Legislative Assembly acquaint the Legislative Council that they are of opinion that the concurrence of the Legislative Assembly in the said resolution should have been obtained prior to the removal of such map.

FRANS. MURPHY,
Speaker.

Legislative Council Chamber,
Melbourne, 10th March, 1864.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Tuesday, the 15th instant:—

"*Justices Laws Consolidation Bill*"—To be considered in Committee.

"*Real Property Acts Consolidation and Amendment Bill*"—To be read a second time.

"*Landlord and Tenant Laws Consolidation Bill*"—To be read a second time.

"*Fisheries and Game Laws Consolidation Bill*"—To be considered in Committee.

"*Volunteer Force Laws Consolidation Bill*"—To be considered in Committee.

The Council adjourned at a quarter to five o'clock until four o'clock on Tuesday, the 15th instant.

ORDERS OF THE DAY.

TUESDAY, 15TH MARCH, 1864.

ORDERS OF THE DAY:—

1. DRAINAGE BILL.—To be read a second time.
2. CUSTOMS DUTIES BILL.—To be further considered in Committee.
3. JUSTICES LAWS CONSOLIDATION BILL.—To be considered in Committee.
4. REAL PROPERTY ACTS CONSOLIDATION AND AMENDMENT BILL.—To be read a second time.
5. LANDLORD AND TENANT LAWS CONSOLIDATION BILL.—To be read a second time.
6. FISHERIES AND GAME LAWS CONSOLIDATION BILL.—To be considered in Committee.
7. VOLUNTEER FORCE LAWS CONSOLIDATION BILL.—To be considered in Committee.

TUESDAY, 22ND MARCH.

ORDER OF THE DAY:—

1. HOSPITAL BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

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LEGISLATIVE COUNCIL.

TUESDAY, 15TH MARCH, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable M. Hervey laid on the Table the following Paper :—

Polling Places for Mining District altered.—Order in Council (15th February, 1864).

Ordered to lie on the Table.

PETITION.—The Honorable G. W. Cole presented a Petition, signed by D. J. Williams and others, resident at Queenscliff, praying for certain alterations in the Common Schools Act.

Petition received.

DRAINAGE BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. H. F. Mitchell moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable W. H. F. Mitchell moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Tuesday next.

Ordered.

CUSTOMS DUTIES BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with amendments.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for the 16th instant.

JUSTICES LAWS CONSOLIDATION BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with amendments.

The Honorable M. Hervey moved, That the adoption of the Report of the Committee be made an Order of the Day for Thursday next.

Question—put and passed.

REAL PROPERTY ACTS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress and asked leave to sit again to-morrow.

Ordered.

LANDLORD AND TENANT LAWS CONSOLIDATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same without amendment.

The Honorable M. Hervey moved, That the Report of the Committee be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to Consolidate the Laws relating to Landlord and Tenant.*"

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the Bill without amendment.

FISHERIES AND GAME LAWS CONSOLIDATION BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with amendments.

The Honorable M. Hervey moved, That the adoption of the Report of the Committee be made an Order of the Day for Thursday next.

Ordered.

VOLUNTEER FORCE LAWS CONSOLIDATION BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same without amendment.

The Honorable M. Hervey moved, That the adoption of the Report of the Committee be made an Order of the Day for Thursday next.

Ordered.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Thursday next.

Question—put and passed.

BUSINESS POSTPONED.—The Honorable M. Hervey moved, That the business set down for Wednesday be postponed until Thursday next.

Question—put and passed.

The Council adjourned at half-past five o'clock until four o'clock on Thursday, the 17th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 17TH MARCH, 1864.

1. The Hon. J. D. PINNOCK: To ask the Postmaster-General, Whether it is the intention of the Government to extend the electric telegraph to Morse's Creek; and if so, when.

NOTICE OF MOTION:—

1. The Hon. W. HULL: To move, That in the opinion of this Honorable House it is expedient, owing to the disturbed state of Europe and the uncertain relations of Great Britain with America, that the intentions of the Government, as indicated in the Treasurer's financial statement, for the defence of the trade and commerce of this colony, should be immediately carried out, in order that one or both of the ships (and material) to be applied for to the Home Authorities may be in Hobson's Bay by October next at the latest.

ORDERS OF THE DAY:—

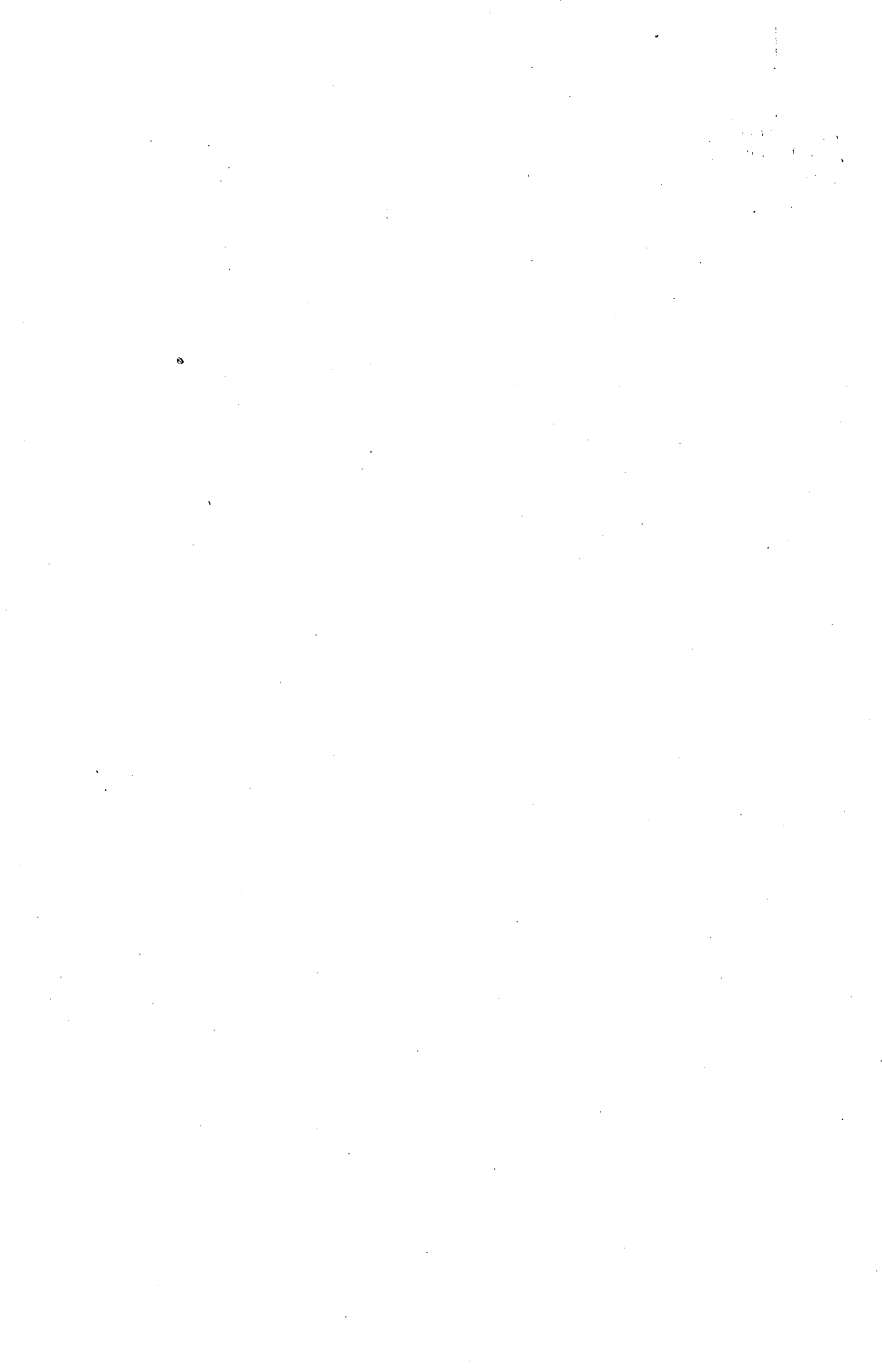
1. JUSTICES LAWS CONSOLIDATION BILL—Adoption of Report.
2. FISHERIES AND GAME LAWS CONSOLIDATION BILL—Adoption of Report.
3. VOLUNTEER FORCE LAWS CONSOLIDATION BILL—Adoption of Report.
4. CUSTOMS DUTIES BILL.—Adoption of Report.
5. REAL PROPERTY ACTS CONSOLIDATION AND AMENDMENT BILL.—To be further considered in Committee.

TUESDAY, 22ND MARCH.

ORDERS OF THE DAY:—

1. HOSPITAL BILL.—To be read a second time.
2. DRAINAGE BILL.—To be further considered in Committee.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings
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LEGISLATIVE COUNCIL.

THURSDAY, 17TH MARCH, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

DEFENCE OF TRADE AND COMMERCE.—The Honorable W. Hull, in accordance with *amended* notice, moved, That, in the opinion of this Honorable House, it is expedient, owing to the disturbed state of Europe and the uncertain relations of Great Britain with America, that the intentions of the Government, as indicated in the Treasurer's financial statement, for the defence of the trade and commerce of this colony, should be immediately carried out, in order that one or both of the ships (and material) together with the Armstrong guns to be applied for to the Home Authorities may be in Hobson's Bay by October next at the latest.

Question—put and passed.

PAPER.—The Honorable M. Hervey laid on the Table the following Paper:—

Emigration Commissioners. — Summary Report of Emigration to Victoria (19th January, 1864).

Ordered to lie on the Table.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly:—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Land Act 1862*," in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th March, 1864.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the following Bills:—

- "*Apprentices Law Consolidation Bill*,"
- "*Banking and Currency Laws Consolidation Bill*,"
- "*Immigration Laws Consolidation Bill*,"
- "*Importation of Gunpowder Regulation Bill*,"

and acquaint the Legislative Council that the Legislative Assembly agree with the Legislative Council in the amendment made therein by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th March, 1864.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the following Bills:—

- "*Trusts and Trustees Law Consolidation Bill*,"
- "*Law of Evidence Consolidation Bill*,"
- "*Printing Laws Consolidation Bill*,"
- "*Masters and Servants Laws Consolidation Bill*,"
- "*Customs and Excise Laws Consolidation Bill*,"
- "*Abattoirs and Slaughtering of Cattle Laws Consolidation Bill*,"
- "*Chinese Immigrants Laws Consolidation Bill*,"
- "*Cemeteries Laws Consolidation Bill*,"
- "*Markets Laws Consolidation Bill*,"
- "*Auction and Auctioneers Laws Consolidation Bill*,"
- "*Instruments and Securities Laws Consolidation Bill*,"

and acquaint the Legislative Council that the Legislative Assembly agree with the amendment made in these Bills by the Legislative Council, and have made some amendments in the said Bills, consequent on the amendments made therein by the Legislative Council, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th March, 1864.

CONSOLIDATION BILLS.—CONSEQUENTIAL AMENDMENTS.—The Honorable T. H. Fellows moved, That the amendments made by the Legislative Assembly, consequent on the amendments made by the Legislative Council in the—

“*Trusts and Trustees Law Consolidation Bill,*”
 “*Law of Evidence Consolidation Bill,*”
 “*Printing Laws Consolidation Bill,*”
 “*Masters and Servants Laws Consolidation Bill,*”
 “*Customs and Excise Laws Consolidation Bill,*”
 “*Abattoirs and Slaughtering of Cattle Laws Consolidation Bill,*”
 “*Chinese Immigrants Laws Consolidation Bill,*”
 “*Cemeteries Laws Consolidation Bill,*”
 “*Markets Laws Consolidation Bill,*”
 “*Auction and Auctioneers Laws Consolidation Bill,*”
 “*Instruments and Securities Laws Consolidation Bill,*”

be now agreed to.

Question—put and passed.

LAND ACT 1862 AMENDMENT BILL.—The Honorable M. Hervey moved, That this Bill, now brought from the Legislative Assembly, be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable M. Hervey, ordered to be printed and read a second time on Wednesday, the 13th April.

JUSTICES LAWS CONSOLIDATION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the same be discharged with a view to the re-committal of the Bill.

Question—That the Order of the Day be discharged—put and passed.

Question—That the Bill be now re-committed—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Wednesday, the 13th April.

Ordered.

FISHERIES AND GAME LAWS CONSOLIDATION BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable T. H. Fellows, was read a third time and *passed*.

The Honorable T. H. Fellows moved, That the title of the Bill be “*An Act to consolidate the Laws for the Protection of Fisheries and Game.*”

Question—put and passed.

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

VOLUNTEER FORCE LAWS CONSOLIDATION BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable T. H. Fellows, was read a third time and *passed*.

The Honorable T. H. Fellows moved, That the title of the Bill be “*An Act to consolidate the Laws relating to the Volunteer Force.*”

Question—put and passed.

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

CUSTOMS DUTIES BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable T. H. Fellows, was read a third time and *passed*.

The Honorable T. H. Fellows moved, That the title of the Bill be “*An Act to stay and prevent Proceedings against Persons concerned in levying certain Duties of Customs.*”

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 13th April:—

“*Real Property Acts Consolidation and Amendment Bill,*” to be further considered in Committee.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the House, moved, without notice, That the House, at its rising this day, adjourn until Wednesday, the 13th proximo.

Question—put and passed.

BUSINESS POSTPONED.—The Honorable T. H. Fellows moved, That all the business set down for intermediate days be postponed until Wednesday, the 13th proximo.

Question—put and passed.

BIRTH OF SON OF PRINCE OF WALES.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That a Select Committee be appointed to prepare an Address to Her Most Gracious Majesty the Queen on the occasion of the birth of the Son of His Royal Highness the Prince of Wales; such Committee to consist of the Honorables S. G. Henty, J. P. Bear, J. D. Pinnock, W. Campbell, and the Mover.

Question—put and passed.

The Committee retired to prepare an Address.

The Honorable M. Hervey, as Chairman of the Committee, brought up the Address prepared by the Committee, and moved that the same be read.

The Address was read as follows :—

“ We, your Majesty’s faithful subjects, the Members of the Legislative Council of Victoria, beg leave to approach Your Majesty with fresh assurances of our loyalty and affection.

“ With due gratitude to Almighty God, we offer to Your Majesty our heartfelt congratulations on the recent addition to Your Majesty’s illustrious House by the birth of the Son of His Royal Highness the Prince of Wales; an event calculated to enhance Your Majesty’s domestic happiness, and which is hailed by Your Majesty’s loyal subjects in this distant part of Your Empire with every feeling of affectionate attachment to Your Majesty’s Person and Family.”

The Honorable M. Hervey moved, That the Address be now adopted.

Question—put and passed.

The Honorable M. Hervey moved, That the President, and such Members as may desire to accompany him, present the Address to His Excellency the Governor for transmission to Her Most Gracious Majesty the Queen.

Question—put and passed.

TRANSPORTATION TO WESTERN AUSTRALIA.—The Honorable M. Hervey, with leave of the Council, moved, without notice :—

1. That, as the despatch from His Grace the Duke of Newcastle to His Excellency the Governor Sir Charles Henry Darling, dated 26th January, 1864, on the subject of transportation of criminals to the Australian colonies, states the determination of the Imperial Government to continue to send convicts, to a limited extent, to the Colony of Western Australia, it is resolved by this House—
 - (1.) That, while we desire to acknowledge the consideration which has been paid by Her Majesty’s Government to the remonstrances of the people and Parliament of Victoria against the continuance of transportation to Western Australia, we learn with deep regret the determination of Her Majesty’s Government to maintain the existing system, by which upwards of 500 convicts will be sent annually, for an indefinite period, from the United Kingdom to the shores of Australia; and we earnestly protest against that determination.
 - (2.) That, while we disclaim any general right to dictate to Her Majesty’s Government what shall or shall not be done throughout the whole of Australia by the Government of the Mother Country, we insist upon our right to press upon the attention of Her Majesty’s advisers the injurious effects to this colony of the policy upon this question adopted and persevered in by the British Government.
 - (3.) That we deny the right of the colonists of Western Australia to calculate upon the continuance of the policy which was initiated as an experiment a few years ago, and which has produced effects of a mischievous nature to the subjects of Her Majesty in the other colonies of Australia.
 - (4.) That, while we earnestly desire that the loyalty and good will which have hitherto united the people of Victoria to the Crown and to the empire should continue unimpaired, we are constrained to record our belief, that so long as any convicts are transported from Great Britain to the shores of Australia, the feelings of attachment of the people of Victoria to the Crown will be mingled with a deep sense of unmerited wrong inflicted upon this colony by the advisers of Her Majesty.
2. And that an address embodying the foregoing resolutions be presented to His Excellency for transmission to the Right Honorable the Secretary of State for the Colonies.

Question—put and passed.

The Council adjourned at twenty minutes past five o’clock until four o’clock on Wednesday, the 13th proximo.

ORDERS OF THE DAY.

WEDNESDAY, 13TH APRIL, 1864.

Government Business.

ORDERS OF THE DAY:—

1. LAND ACT 1862 AMENDMENT BILL.—To be read a second time.
2. JUSTICES LAWS CONSOLIDATION BILL.—To be further considered in Committee.
3. REAL PROPERTY ACTS CONSOLIDATION AND AMENDMENT BILL.—To be further considered in Committee.
4. HOSPITAL BILL.—To be read a second time.
5. DRAINAGE BILL.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 13TH APRIL, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

RECEIPT BY HIS EXCELLENCY OF CONGRATULATORY ADDRESS TO THE QUEEN.—The President announced that he had, accompanied by several Members of the House, presented to His Excellency the Governor the Congratulatory Address to Her Most Gracious Majesty the Queen on the occasion of the birth of the Son of the Prince of Wales, as adopted by the Council on the 17th ultimo, and that His Excellency had been pleased to reply as follows :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL—

I shall have pleasure in transmitting to Her Majesty's Secretary of State, for submission to Her Majesty, your loyal Address offering to Her Majesty your congratulations upon the birth of the son of His Royal Highness the Prince of Wales, as an event calculated to enhance Her Majesty's domestic felicity, and hailed by her subjects in Victoria with feelings of affectionate attachment to Her Majesty's person and family.

C. H. DARLING,
Governor.

RETURN OF WRIT.—The President announced to the Council that a letter had been received from the Private Secretary to His Excellency the Governor reporting, for the information of the President of the Council, that a Writ, issued by the Governor for the election of a Member to serve in the Legislative Council for the South Province, has been returned to His Excellency, by which it appears, upon the authority of W. A. C. a'Beckett, Esquire, the Returning Officer, that William Taylor, Esquire, has been duly elected.

NEW MEMBER.—The Honorable William Taylor, being introduced, took and subscribed the Oath of Allegiance, provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Constitution Act as hereunder set forth :—

“I, WILLIAM TAYLOR, do declare and testify that I am duly seized at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full value of Five thousand pounds, sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of Maribyrnong, in the county or reputed county of Bourke, the descriptions of which lands and tenements are as follow :—Six thousand acres, comprising my residence, Overnewton. 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 of the Colony of Victoria.

“WILLIAM TAYLOR.”

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers :—

1. Daylesford, Mining Operations within exempted land at.—Order in Council (21st March, 1864).
2. Sandhurst Mining District altered.—Order in Council (21st March, 1864).
3. Sandhurst, Polling Places for divisions of Mining District of.—Order in Council (21st March, 1864).
4. Sandhurst Mining District Divisions.—Order in Council (21st March, 1864).
5. Volunteer Force, Regulations for.—(21st September, 1863.)
6. Statistics of Victoria, Agricultural and Live Stock, for year ending 31st March, 1863.
7. Transportation.—Despatch from Right Honorable the Secretary of State.—(26th January, 1864.)

Ordered severally to lie on the Table.

FORFEITED AND NEW RUNS.—The Honorable M. Hervey laid on the Table a Return to the Order of the House made on the 8th ultimo.

POSTPONEMENTS.—The following Orders of the Day were severally postponed as follows :—

“*Land Act 1862 Amendment Bill*”—To be read a second time—until after the disposal of the other Orders of the Day.

“*Justices Laws Consolidation Bill*”—To be further considered in Committee—until Wednesday the 27th instant.

REAL PROPERTY ACTS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same without amendment.

The Honorable T. H. Fellows moved, That the Report of the Committee be now adopted. Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable T. H. Fellows, was read a third time and *passed*.

The Honorable T. H. Fellows moved, That the *amended* title of the Act be “*An Act to consolidate Acts now in force in Victoria relating to Real Property.*”

Question—put and passed.

Ordered—That the Bill be carried to the Legislative Assembly, with a Message acquainting them that the Council have agreed to the Bill with an amended title.

HOSPITAL BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. P. Fawkner moved, That the Bill be now read a second time.

Question—put and passed.

The Honorable J. P. Fawkner moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress and asked leave to sit again on Tuesday next.

Ordered.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to further amend the Real Property Act ;*” also, a Bill intituled “*An Act to provide for the regulation and discipline of the paid Naval and Military Forces in the service of Her Majesty’s Local Government in Victoria,*” in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 13th April, 1864.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled, “*An Act to Consolidate the Laws for the Protection of Fisheries and Game ;*” also the Bill intituled, “*An Act to stay and to prevent proceedings against persons concerned in levying certain Duties of Customs,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in these Bills by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 13th April, 1864.

REAL PROPERTY ACT AMENDMENT BILL.—This Bill, on the motion of the Honorable M. Hervey, was read a first time, ordered to be printed, and read a second time on Wednesday, the 20th instant.

PAID NAVAL AND MILITARY FORCES BILL.—This Bill, on the motion of the Honorable M. Hervey, was read a first time, ordered to be printed, and read a second time on Wednesday, the 20th instant.

DRAINAGE BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress and asked leave to sit again to-morrow. Ordered.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to establish a Wharfage and Harbors Rate,*" in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 13th April, 1864.

FRANS. MURPHY,
Speaker.

WHARFAGE RATES BILL.—This Bill, on the motion of the Honorable M. Hervey, was read a first time, ordered to be printed, and read a second time on Wednesday, the 20th instant.

LAND ACT 1862 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time. Amendment moved by the Honorable T. H. Power, That the word "now" be omitted, with a view to insert the words "this day six months" after the word "time".

Question—That the word "now," proposed to be omitted, stand part of the question—put. Council divided.

Contents, 6.
The Hon. G. W. Cole
C. J. Jenner
R. Turnbull
A. Fraser
J. P. Fawkner
M. Hervey (*Teller*).

Not Contents, 17.
The Hon. F. Robertson
T. H. Fellows
T. T. a'Beckett
W. J. T. Clarke
S. G. Henty
J. P. Bear
N. Black
T. H. Power
W. Campbell
W. Degraives
W. Highett
H. Miller
W. H. F. Mitchell
W. Taylor
W. Hull
B. Williams
Dr. Hope (*Teller*).

The question was therefore negatived.

Question—That the words proposed to be added be so added—put and passed.

Question—That the Bill be read a second time this day six months—put and passed.

ADJOURNMENT.—The Honorable M. Hervey moved, That the House at its rising this day adjourn until Tuesday next.

Question—put and passed.

SELECT COMMITTEES.—The Honorable W. Highett moved, That all Select Committees have power to sit during the adjournment.

Question—put and passed.

BUSINESS PAPER.—The Honorable M. Hervey moved, That all business set down for intermediate days be postponed until Tuesday next.

Question—put and passed.

The Council adjourned at half-past nine o'clock until four o'clock on Tuesday, the 19th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 19TH APRIL, 1864.

NOTICES OF MOTION :—

1. The Hon. W. HULL: To move for a Return of the number of Leases of all descriptions applied for and granted under the 47th clause of the Land Act of 1862, setting forth the names of the applicants and the progress made in the objects of their applications, either of novel enterprises or otherwise.
2. The Hon. T. T. a'BECKETT: To move, That this House is of opinion that the State is now entitled to the best price for the sale or use of all public lands, and that such price can only be ascertained by public auction.

ORDERS OF THE DAY :—

1. HOSPITAL BILL.—To be further considered in Committee.
2. DRAINAGE BILL.—To be further considered in Committee.

WEDNESDAY, 20TH APRIL.

Government Business.

ORDERS OF THE DAY :—

1. REAL PROPERTY ACT AMENDMENT BILL.—To be read a second time.
2. PAID NAVAL AND MILITARY FORCES BILL.—To be read a second time.
3. WHARFAGE RATES BILL.—To be read a second time.

TUESDAY, 26TH APRIL.

NOTICE OF MOTION :—

The Hon. A. FRASER : To move, That this House is of opinion that, in consequence of the great depreciation which has arisen in the value of property during the last six years, the fourth and fifth clauses of the Constitution Act should be so far altered as to reduce the qualification for members and electors to one-half of the present amount.

WEDNESDAY, 27TH APRIL.

Government Business.

ORDER OF THE DAY :—

1. JUSTICES LAWS CONSOLIDATION BILL.—To be further considered in Committee.

M E E T I N G S
OF
S E L E C T C O M M I T T E E S.

Thursday, 14th April.

REFRESHMENT ROOMS (JOINT) COMMITTEE—at 3 o'clock.

PRINTING—at half-past 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 19TH APRIL, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable A. Fraser presented a Petition, signed by Phipps Turnbull, styling himself Chairman of the Chamber of Commerce, Melbourne, praying that the Wharfage Bill now before the Council may be referred to a Select Committee.

Petition received.

PRINTING COMMITTEE.—The Honorable W. Hull, with leave of the Council, moved, without notice, That the Honorable Dr. Hope be appointed a member of the Printing Committee, *vice* the Honorable D. Kennedy, deceased.

Question—put and passed.

PAPERS.—The Honorable M. Hervey laid on the Table the following papers :—

1. Board of Education.—General Regulation (29th February, 1864).
2. Board of Education.—General Regulation (29th February, 1864).
3. Occupation of Crown Lands under 53rd Clause of “*The Land Act 1862*” (14th March, 1864).
4. Occupation of Crown Lands.—Fee to be payable for, under 80th Clause of “*The Land Act 1862*” (14th March, 1864).
5. Health Officer—Report for Year ending 31st December, 1863.

Ordered severally to lie on the Table.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—The Honorable W. Highett brought up a Progress Report from the Joint Committee of both Houses of Parliament, appointed for the management of the Refreshment Rooms, and moved that the same be printed, and that the consideration of the same be made an Order of the Day for Tuesday, the 26th instant.

Question—put and passed.

LICENSEES UNDER CLAUSE XLVII., ACT 25 VICT., No. 145.—The Honorable W. Hull, in accordance with *amended* notice, moved, That a Return be laid on the Table of the House, in continuation of a Return made in the last session of Parliament, of the number of leases of all descriptions applied for and granted under the 47th Clause of the Land Act of 1862, setting forth the names of the applicants and the progress made in the objects of their applications, either of novel enterprises or otherwise, together with a tabular statement of all the several industries proposed to be pursued from the commencement of the Act.

Debate ensued.

Amendment moved by the Honorable J. P. Fawkner, That the following words be added to the motion, “and also, where practicable, the names of those lessees who have transferred their interests, and also of the transferees.

Question—That the words proposed to be added be so added—put and passed.

Question—That a Return be laid on the Table of the House, in continuation of a Return made in the last session of Parliament, of the number of leases of all descriptions applied for and granted under the 47th Clause of the Land Act of 1862, setting forth the names of the applicants and the progress made in the objects of their applications, either of novel enterprises or otherwise, together with a tabular statement of all the several industries proposed to be pursued from the commencement of the Act, and also, where practicable, the names of those lessees who have transferred their interests, and also of the transferees—put and passed.

ROYAL ASSENT TO BILLS.—The President announced to the Council that he had received intimation to the effect, that it is the intention of His Excellency the Governor to proceed to the Legislative Council Chamber, on Wednesday, the 20th day of April, at half-past four o'clock, to assent in Her Majesty's name to certain Bills passed by the Legislative Council and Legislative Assembly.

PRICE OF PUBLIC LANDS.—The Honorable T. T. a'Beckett, in accordance with notice, moved, That this House is of opinion that the State is now entitled to the best price for the sale or use of all public lands, and that such price can only be ascertained by public auction.

Debate ensued.

The Honorable W. H. F. Mitchell moved, That the debate be adjourned until to-morrow.

Question—That the debate be adjourned—put and passed.

Debate adjourned until Wednesday, the 20th instant.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council a Bill intituled "*An Act to consolidate and amend Acts now in force in Victoria relating to Real Property,*" and acquaint the Legislative Council that the Legislative Assembly agree to the amendment made by the Legislative Council in the title of the Bill.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 19th April, 1864.

HOSPITAL BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again immediately.
Ordered.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday next, the 20th instant ;—

"*Drainage Bill*"—To be further considered in Committee.

The Council adjourned at six o'clock until four o'clock on Wednesday, the 20th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 20TH APRIL, 1864.

Government Business.

ORDERS OF THE DAY :—

1. REAL PROPERTY ACT AMENDMENT BILL.—To be read a second time.
2. PAID NAVAL AND MILITARY FORCES BILL.—To be read a second time.
3. WHARFAGE RATES BILL.—To be read a second time.

General Business.

NOTICE OF MOTION :—

1. The Hon. S. G. HENTY : To move, That there be laid upon the Table of this House the evidence taken by the Commission, and the Report, upon the case Coldham and Wilmot.

ORDERS OF THE DAY :—

1. PRICE OF PUBLIC LANDS.—Adjourned debate.
2. DRAINAGE BILL.—To be further considered in Committee.

TUESDAY, 26TH APRIL.

NOTICE OF MOTION :—

1. The Hon. A. FRASER : To move for leave to bring in a Bill for the purpose of altering the fourth and fifth clauses of the Constitution Act, so as to reduce the qualification of members and electors to one-half the present amount.

ORDERS OF THE DAY :—

1. REFRESHMENT ROOMS (JOINT) COMMITTEE.—Adoption of Progress Report.
2. HOSPITAL BILL.—Adoption of Report.

WEDNESDAY, 27TH APRIL.

Government Business.

ORDER OF THE DAY :—

1. JUSTICES LAWS CONSOLIDATION BILL.—To be further considered in Committee.

M E E T I N G
OF
S E L E C T C O M M I T T E E .

Wednesday, 20th April, 1864.

PRINTING—at half-past 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 20TH APRIL, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PRINTING COMMITTEE.—THIRD REPORT.—The Honorable Dr. Hope brought up the Third Report of the Printing Committee, and moved that the same be received.

Question—put and passed.

The Honorable Dr. Hope moved, That the Report be adopted and printed.

Question—put and passed.

ROYAL ASSENT TO BILLS, AND RESERVATION OF BILLS FOR THE SIGNIFICATION OF HER MAJESTY'S PLEASURE THEREON.—His Excellency the Governor came into the Council Chamber and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber, who being come with their Speaker, His Excellency was pleased to assent, in the name of Her Majesty the Queen, to the following Bills :—

“ An Act for the Incorporation Regulation and Winding up of Trading Companies and other Associations.”

“ An Act to apply out of the Consolidated Revenue the sum of One million three hundred and thirteen thousand four hundred and nine pounds nine shillings and one penny to the service of the Year One thousand eight hundred and sixty-four.”

“ An Act to Consolidate the Laws relating to Landlord and Tenant.”

“ An Act to Consolidate the Law relating to Masters and Apprentices.”

“ An Act to Consolidate the Laws relating to Banks and the Currency.”

“ An Act to Consolidate the Laws relating to Immigration into Victoria.”

“ An Act to Regulate the Importation Carriage and Custody of Gunpowder.”

“ An Act to Consolidate the Law of Evidence.”

“ An Act to Consolidate the Laws relating to Masters and Servants.”

“ An Act to Consolidate the Laws relating to Abattoirs and the Slaughtering of Cattle.”

“ An Act to Consolidate the Laws affecting the Chinese emigrating to or resident in Victoria.”

“ An Act to Consolidate and Amend the Laws relating to Cemeteries.”

“ An Act to Consolidate the Laws relating to Markets.”

“ An Act to Consolidate the Law relating to Sales by Auction and Auctioneers.”

“ An Act to Consolidate the Law relating to Instruments and Securities.”

“ An Act to Consolidate the Laws relating to the Volunteer Force.”

“ An Act to Consolidate the Laws for the Protection of Fisheries and Game.”

“ An Act to stay and to prevent Proceedings against Persons concerned in levying certain Duties of Customs.”

The Royal Assent being read severally by the Clerk of the Parliaments in the following words :—

“ In the name and on behalf of Her Majesty I assent to this Act.

“ C. H. DARLING,

“ Governor.”

His Excellency also expressly declared that it was necessary that the last mentioned Bill, being a Bill for a temporary law, should be forthwith assented to by reason of a public and pressing emergency.

His Excellency was then pleased to reserve, for the signification of Her Majesty's pleasure thereon, the following Bills, viz. : Bills severally intituled :—

“ An Act to Consolidate the Law relating to Trusts and Trustees ” and

“ An Act to Consolidate the Laws relating to the Customs and Excise.”

The Clerk of the Parliaments delivered to Mr. Speaker schedules of the Acts assented to, and of the Bills reserved.

Mr. Speaker and the Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

POSTPONEMENT.—The following Orders of the Day were severally postponed until after the disposal of the remaining business on the paper :—

“ *Real Property Act Amendment Bill* ”—To be read a second time.

“ *Paid Naval and Military Forces Bill* ”—To be read a second time.

“ *Wharfage Rates Bill* ”—To be read a second time.

COLDHAM AND WILMOT—REPORT ON CASE OF.—The Honorable S. G. Henty, in accordance with notice, moved, That there be laid upon the Table of this House the evidence taken by the Commission, and the Report, upon the case of Coldham and Wilmot.

Question—put and passed.

PRICE OF PUBLIC LANDS.—Debate resumed on the question, That this House is of opinion that the State is now entitled to the best price for the sale or use of all public lands, and that such price can only be ascertained by public auction.

The Honorable W. Highett moved, That the debate be adjourned until this day week.

Question—That the debate be adjourned—put.

Council divided.

<p style="text-align: center;">Contents, 10.</p> <p>The Hon. B. Williams W. Hull W. Highett W. Degraives R. Turnbull F. Robertson Dr. Hope J. McCrae J. P. Fawkner H. Miller (<i>Teller</i>).</p>	<p style="text-align: center;">Not Contents, 8.</p> <p>The Hon. S. G. Henty W. J. T. Clarke C. J. Jenner J. D. Pinnock J. P. Bear A. Fraser W. H. F. Mitchell T. T. a'Beckett (<i>Teller</i>).</p>
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The question was therefore passed.

Debate adjourned until Wednesday, the 27th instant.

DRAINAGE BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the chair.

The Chairman of Committees reported progress, and asked leave to sit again on Tuesday next.

Ordered.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act for conferring certain Powers on the Australian Mutual Provident Society*,” in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th April, 1864.

AUSTRALIAN MUTUAL PROVIDENT SOCIETY BILL.—The Honorable A. Fraser moved, That a Message be sent to the Legislative Assembly, requesting that they will be pleased to communicate to the Council copies of the Report and Evidence, together with the Minutes of Proceedings of the Select Committee of the Legislative Assembly on this Bill during the present session.

Question—put and passed.

POSTPONEMENT.—The following Orders of the Day were postponed until Thursday, the 21st instant :—

“ *Real Property Act Amendment Bill* ”—To be read a second time.

“ *Paid Naval and Military Forces Bill* ”—To be read a second time.

“ *Wharfage Rates Bill* ”—To be read a second time.

The Council adjourned at five minutes past six o'clock until four o'clock on Thursday, the 21st instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 21ST APRIL, 1864.

ORDERS OF THE DAY :—

1. REAL PROPERTY ACT AMENDMENT BILL.—To be read a second time.
2. PAID NAVAL AND MILITARY FORCES BILL.—To be read a second time.
3. WHARFAGE RATES BILL.—To be read a second time.

TUESDAY, 26TH APRIL.

NOTICES OF MOTION :—

1. The Hon. A. FRASER : To move for leave to bring in a Bill for the purpose of altering the fourth and fifth clauses of the Constitution Act, so as to reduce the qualification of members and electors to one-half the present amount.
2. The Hon. M. HERVEY : To move for leave to bring in a Bill to prevent the fraudulent use of Trade Marks.

ORDERS OF THE DAY :—

1. REFRESHMENT ROOMS (JOINT) COMMITTEE.—Adoption of Progress Report.
2. HOSPITAL BILL.—Adoption of Report.
3. DRAINAGE BILL.—To be further considered in Committee.

WEDNESDAY, 27TH APRIL.

Government Business.

ORDER OF THE DAY :—

1. JUSTICES LAWS CONSOLIDATION BILL.—To be further considered in Committee.

General Business.

ORDER OF THE DAY :—

1. PRICE OF PUBLIC LANDS.—Adjourned debate.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings
 OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 21ST APRIL, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

POSTMASTER AT EPPING.—The Honorable M. Hervey laid on the Table a Return to the Order of the House made on the 3rd ultimo.

REAL PROPERTY ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable T. T. a'Beckett moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress and asked leave to sit again on Tuesday next.

Ordered.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to apply out of the Consolidated Revenue the Sum of Ten thousand pounds to the service of the Year One thousand eight hundred and sixty-three and the further Sum of Three hundred thousand pounds to the service of the Year One thousand eight hundred and sixty-four,*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chamber,
 Melbourne, 20th April, 1864.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council copies of the Report and Evidence taken before the Select Committee on the Bill intituled "*An Act for conferring certain Powers on the Australian Mutual Provident Society,*" as requested by the Legislative Council.

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chamber,
 Melbourne, 20th April, 1864.

CONSOLIDATED REVENUE BILL (3).—The Honorable M. Hervey moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same without amendment.

The Honorable M. Hervey moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the Sum of Ten thousand pounds to the service of the year One thousand eight hundred and sixty-three and the further sum of Three hundred thousand pounds to the service of the year One thousand eight hundred and sixty-four.*"

Question—put and passed.

Ordered—that a Message be taken to the Legislative Assembly to acquaint them that the Council have agreed to the Bill without amendment.

AUSTRALIAN MUTUAL PROVIDENT SOCIETY BILL.—The Honorable A. Fraser produced a certificate of the payment of the sum of twenty pounds into the hands of the Colonial Treasurer for the public uses of the colony, and moved, That this Bill be now read a first time, and that the second reading of the Bill be made an Order of the Day for Tuesday, the 3rd May.

Question—put and passed.

Bill read a first time.

PAID NAVAL AND MILITARY FORCES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Tuesday, the 3rd proximo.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 27th instant :—

"Wharfage Rates Bill"—To be read a second time.

IMPERIAL TROOPS, DESPATCHES.—The Honorable W. Hull, with leave of the Council, moved without notice, That any despatches received subsequent to the Duke of Newcastle's despatch, dated 26th July, 1863, relative to the provision of Imperial troops in aid of the volunteer system for the defence of this colony, be laid upon the Table of the House.

Question—put and passed.

The Council adjourned at twenty minutes to six o'clock until four o'clock on Tuesday, the 26th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 26TH APRIL, 1864.

NOTICES OF MOTION :—

1. The Hon. A. FRASER : To move for leave to bring in a Bill for the purpose of altering the fourth and fifth clauses of the Constitution Act, so as to reduce the qualification of members and electors to one-half the present amount.
2. The Hon. M. HERVEY : To move for leave to bring in a Bill to prevent the fraudulent use of Trade Marks.

ORDERS OF THE DAY :—

1. REFRESHMENT ROOMS (JOINT) COMMITTEE.—Adoption of Progress Report.
2. HOSPITAL BILL.—Adoption of Report.
3. DRAINAGE BILL.—To be further considered in Committee.
4. REAL PROPERTY ACT AMENDMENT BILL.—To be further considered in Committee.

WEDNESDAY, 27TH APRIL.

Government Business.

ORDERS OF THE DAY :—

1. JUSTICES LAWS CONSOLIDATION BILL.—To be further considered in Committee.
3. WHARFAGE RATES BILL.—To be read a second time.

NOTICE OF MOTION, *contingent* :—

(On the calling on of the "*Wharfage Rates Bill*") The Hon. A. FRASER: To move,
That the Bill be referred to a Select Committee of five Members, to be appointed by ballot.

General Business.

ORDER OF THE DAY :—

1. PRICE OF PUBLIC LANDS.—Adjourned debate.

TUESDAY, 3RD MAY.

ORDERS OF THE DAY :—

1. AUSTRALIAN MUTUAL PROVIDENT SOCIETY BILL.—To be read a second time.
2. PAID NAVAL AND MILITARY FORCES BILL.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 26TH APRIL, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable M. Hervey laid on the Table the following paper :—

Education.—Report of Inspector General of Schools (19th January, 1864).

Ordered to lie on the Table.

MERCHANDISE MARKS.—The Honorable M. Hervey, in accordance with notice, moved, That leave be given to bring in a Bill to prevent the fraudulent use of Merchandise Marks.

Question—put and passed.

Bill brought in, and on the motion of the Honorable M. Hervey, read a first time, ordered to be printed, and read a second time on Tuesday, the 3rd May.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—PROGRESS REPORT.—The Order of the Day for the adoption of the Progress Report of the Select Committee of both Houses of Parliament, appointed for the management of the Refreshment Rooms, being read, the Honorable W. Highett moved, That the Report be now adopted.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 27th instant :—

“Hospital Bill”—Adoption of Report.

DRAINAGE BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again to-morrow.

Ordered.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—PROGRESS REPORT.—The Honorable W. Highett, with leave of the Council, moved, without notice, That a Message be sent to the Legislative Assembly, acquainting them that the Council have adopted the Progress Report of the Joint Committee of both Houses of Parliament appointed for the management of the Refreshment Rooms.

Question—put and passed.

REAL PROPERTY ACT AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair. The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.

The Honorable T. T. a'Beckett moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Ordered.

The Council adjourned at twenty minutes to six o'clock until four o'clock on Wednesday, the 27th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 27TH APRIL.

Government Business.

ORDERS OF THE DAY :—

1. JUSTICES LAWS CONSOLIDATION BILL.—To be further considered in Committee.
2. WHARFAGE RATES BILL.—To be read a second time.
3. REAL PROPERTY ACT AMENDMENT BILL.—Adoption of Report.

NOTICE OF MOTION, *contingent* :—

(On the calling on of the "*Wharfage Rates Bill*") The Hon. A. FRASER : To move, That the Bill be referred to a Select Committee of five Members, to be appointed by ballot.

General Business.

ORDERS OF THE DAY :—

1. PRICE OF PUBLIC LANDS.—Adjourned debate.
2. HOSPITAL BILL.—Adoption of Report.
3. DRAINAGE BILL.—To be further considered in Committee.

NOTICE OF AMENDMENT :—

The Hon. T. H. FELLOWS : To move the following amendment to the Price of Public Lands Resolutions :—

- (2.) That, in returning to the principle of sale by public auction, the rights acquired under Sections XXII, XXIII, XXXIII, XLVIII, LXXX, CX, and CXI of the Land Act 1862, must be saved.

TUESDAY, 3RD MAY.

NOTICE OF MOTION :—

1. The Hon. A. FRASER : To move for leave to bring in a Bill for the purpose of altering the fourth and fifth clauses of the Constitution Act, so as to reduce the qualification of members and electors to one-half the present amount.

ORDERS OF THE DAY :—

1. AUSTRALIAN MUTUAL PROVIDENT SOCIETY BILL.—To be read a second time.
2. PAID NAVAL AND MILITARY FORCES BILL.—To be further considered in Committee.
3. MERCHANDISE MARKS BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
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LEGISLATIVE COUNCIL.

WEDNESDAY, 27TH APRIL, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

JUSTICES LAWS CONSOLIDATION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Wednesday the 11th proximo.

Ordered.

WHARFAGE RATES BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable A. Fraser, in accordance with *contingent* notice of motion, moved, That the Bill be referred to a Select Committee of five Members, to be appointed by ballot.

Debate ensued.

Motion by leave withdrawn.

The Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same without amendment.

The Honorable M. Hervey moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to establish a Wharfage and Harbors Rate.*"

Question—put and passed.

Ordered—That a Message be taken to the Legislative Assembly to acquaint them that the Council have agreed to the Bill without amendment.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, proposing an amendment to be made in the Bill intituled "*An Act to consolidate the Laws relating to the preventing the printing and publishing of Books and Papers by persons not known and to the printing and publishing of Newspapers,*" and acquaint them that the Legislative Assembly have agreed to the amendment suggested by the Governor in this Bill, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 27th April, 1864.

C. H. DARLING,
Governor.

Message No. 6.

In pursuance of the 36th section of The Constitution Act, the Governor transmits to the Legislative Assembly the following amendment, which he recommends to be made in the Bill intituled "*An Act to consolidate the Laws relating to the printing and publishing of Books and Papers by persons not known and to the printing and publishing of Newspapers,*" which has been presented to him for Her Majesty's assent:—

Omit clause 10, and substitute the following clause—

"In this Act the word 'newspaper' shall include every paper or pamphlet other than those hereinafter mentioned containing any public news or occurrences or any remarks or observations thereon or upon any political matter and printed for sale and periodically published in parts or numbers at intervals not exceeding one month but shall not include any document published in the course of his duty by the Government Printer or containing only matter wholly of a commercial nature."

Government Offices,
Melbourne, 18th April, 1864.

PRINTING LAWS CONSOLIDATION BILL.—The Honorable T. H. Fellows moved, That the consideration of the amendments recommended by the Governor in this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

REAL PROPERTY ACT AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the same be discharged, with a view to the re-committal of the Bill on the clauses A, B, and C.

Question—put and passed.

Question—That the Bill be now re-committed on the clauses A, B, and C—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Tuesday, the 10th proximo.

Ordered.

PRICE OF PUBLIC LANDS.—Debate resumed on the question, That this House is of opinion that the State is now entitled to the best price for the sale or use of all public lands, and that such price can only be ascertained by public auction.

The Honorable Dr. Hope moved the previous question.

Debate ensued.

Motion for the previous question by leave withdrawn.

Amendment moved by the Honorable T. H. Fellows, That the following words be added to the original question, "but that, in restoring that mode of sale, the rights acquired under the Land Act 1862 must be saved." [Amendment accepted by the mover of the original question.]

The Honorable Dr. Hope, with leave of the House, moved the previous question.

Question—That this question be now put—put and passed.

Question—That this House is of opinion, that the State is now entitled to the best price for the sale or use of all public lands, and that such price can only be ascertained by public auction, but that, in restoring that mode of sale, the rights acquired under the Land Act 1862 must be saved—put.

Council divided.

Contents, 14.
The Hon. T. H. Fellows
T. T. a'Beckett
R. Turnbull
W. Taylor
J. P. Bear
H. Miller
W. Highett
J. D. Pinnock
W. Campbell
W. Degraives
Dr. Wilkie
F. Robertson
Dr. Hope
W. H. F. Mitchell (*Teller*).

Not Contents, 4.
The Hon. J. P. Fawkner
A. Fraser
J. McCrae
C. J. Jenner (*Teller*).

The question was therefore passed.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

HOSPITAL BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable J. P. Fawkner moved, That the same be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with further amendments.

The Honorable J. P. Fawkner moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday next.

“*Drainage Bill*”—To be further considered in Committee.

The Council adjourned at five minutes to seven o'clock until four o'clock on Tuesday, the 3rd proximo.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 3RD MAY, 1864.

NOTICE OF MOTION:—

1. The Hon. A. FRASER: To move for leave to bring in a Bill for the purpose of altering the fourth and fifth clauses of the Constitution Act, so as to reduce the qualification of members and electors to one-half the present amount.

ORDERS OF THE DAY:—

1. AUSTRALIAN MUTUAL PROVIDENT SOCIETY BILL.—To be read a second time.
2. PAID NAVAL AND MILITARY FORCES BILL.—To be further considered in Committee.
3. MERCHANDISE MARKS BILL.—To be read a second time.
4. PRINTING LAWS CONSOLIDATION BILL.—Consideration of amendment recommended by Governor.
5. HOSPITAL BILL.—Adoption of Report.
6. DRAINAGE BILL.—To be further considered in Committee.

TUESDAY, 10TH MAY.

ORDER OF THE DAY:—

1. REAL PROPERTY ACT AMENDMENT BILL.—To be further re-considered in Committee.

WEDNESDAY, 11TH MAY.

Government Business.

ORDER OF THE DAY:—

1. JUSTICES LAWS CONSOLIDATION BILL.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 3RD MAY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers:—

(1.) Mining Surveyors and Registrars, Reports of (for quarter ending 31st March, 1864).

(2.) Omeo, Authorized Mining at.—Order in Council (4th April, 1864).

Ordered severally to lie on the Table.

PETITION.—The Honorable R. Turnbull presented a Petition, signed by Phipps Turnbull, James Lorimer, and others, styling themselves severally the President, Vice-President, and Members of the Melbourne Chamber of Commerce, praying that the House will be pleased to pass the Merchandise Marks Bill, now before the House.

Petition received.

RAILWAY EXPENDITURE.—The Honorable M. Hervey laid on the Table a Return to an Order of the Council, made on the 12th August, 1863, in a previous session.

QUALIFICATION OF MEMBERS AND ELECTORS.—The Honorable A. Fraser, in accordance with notice, moved, That leave be given to bring in a Bill for the purpose of altering the fourth and fifth clauses of the Constitution Act, so as to reduce the qualification of members and electors to one-half the present amount.

Debate ensued.

Question put.

Council divided.

<p style="text-align: right;">Contents, 7.</p> <p>The Hon. J. P. Bear A. Fraser C. J. Jenner J. Henty J. P. Fawkner J. McCrae T. T. a'Beckett (<i>Teller</i>).</p>	<p style="text-align: right;">Not Contents, 14.</p> <p>The Hon. M. Hervey T. H. Fellows W. Degraives S. G. Henty W. Hull W. Campbell F. Robertson H. Miller W. Highett J. D. Pinnock W. H. F. Mitchell W. Taylor R. Turnbull Dr. Hope (<i>Teller</i>).</p>
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The question was therefore negatived.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly:—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Law relating to the Pensions of Responsible Officers*," in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 3rd May, 1864.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council the accompanying communication from the Clerk of the Parliaments, calling attention to certain clerical errors in the Bill intituled "*An Act to consolidate Acts now in force relating to Real Property*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments suggested by the Clerk of the Parliaments, to which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 3rd May, 1864.

FRANS. MURPHY,
Speaker.

Parliament Houses,
Melbourne, 26th April, 1864.

SIR,

In conformity with the provisions of the Twenty-first Joint Standing Order of both Houses of Parliament, I do myself the honor to report that the following clerical errors have been discovered in the Bill intituled "*An Act to consolidate Acts now in force in Victoria relating to Real Property*," viz. :—

In Clause 2, line 20, the word "have" has been omitted after the word "would."

Clause 197, line 9, the word "alter" occurs where the word "alters" is required.

I have the honor to be,

Sir,

Your most obedient Servant,

G. W. RUSDEN,

Clerk of the Parliaments.

The Honorable the Speaker.

PENSIONS BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Question—put and passed.

Bill read a first time.

REAL PROPERTY ACTS CONSOLIDATION BILL.—The Honorable T. H. Fellows moved, That the Council do agree with the Legislative Assembly in correcting the clerical errors reported to have been discovered in this Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to correct the clerical errors discovered in the Bill.

AUSTRALIAN MUTUAL PROVIDENT SOCIETY BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress and asked leave to sit again on Tuesday next.

Ordered.

PAID NAVAL AND MILITARY FORCES BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress and asked leave to sit again on Tuesday next.

Ordered.

MERCHANDISE MARKS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable R. Turnbull moved, That the Petition presented by him this day be referred to the Committee of the whole Council to which the Merchandise Marks Bill might be referred.

Question—put and passed.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress and asked leave to sit again on Tuesday next.

Ordered.

PRINTING LAWS CONSOLIDATION BILL.—The Order of the Day for the consideration of the amendment recommended by the Governor in this Bill being read, the amendment was read at the Table by the Clerk as follows :—

Omit clause 10, and substitute the following clause—“In this Act the word ‘newspaper’ shall include every paper or pamphlet other than those hereinafter mentioned containing any public news or occurrences or any remarks or observations thereon or upon any political matter and printed for sale and periodically published in parts or numbers at intervals not exceeding one month but shall not include any document published in the course of his duty by the Government Printer or containing only matter wholly of a commercial nature.”

The Honorable T. H. Fellows moved, That the Council do agree with the amendment.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendment.

HOSPITAL BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable J. P. Fawcner moved, That the same be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with further amendments.

The Honorable J. P. Fawcner moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Question—put and passed.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday next.

“*Drainage Bill*”—To be further considered in Committee.

The Council adjourned at ten minutes to six o'clock until four o'clock on Tuesday, the 10th instant.

ORDERS OF THE DAY.

TUESDAY, 10TH MAY, 1864.

ORDERS OF THE DAY :—

1. REAL PROPERTY ACT AMENDMENT BILL.—To be further re-considered in Committee.
2. PENSIONS BILL.—To be read a second time.
3. AUSTRALIAN MUTUAL PROVIDENT SOCIETY BILL.—To be further considered in Committee.
4. PAID NAVAL AND MILITARY FORCES BILL.—To be further considered in Committee.
5. MERCHANDISE MARKS BILL.—To be further considered in Committee.
6. HOSPITAL BILL.—Adoption of Report.
7. DRAINAGE BILL.—To be further considered in Committee.

WEDNESDAY, 11TH MAY.

Government Business.

ORDER OF THE DAY :—

1. JUSTICES LAWS CONSOLIDATION BILL.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 10TH MAY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

ROYAL ASSENT TO BILLS.—The President announced to the Council that a letter had been received from the Private Secretary to His Excellency the Governor intimating that it is the intention of His Excellency to proceed to the Council Chamber on Wednesday, the 11th instant, at half-past four o'clock, to assent in Her Majesty's name to certain Bills passed by the Legislative Council and Legislative Assembly.

REAL PROPERTY ACT AMENDMENT BILL.—The Order of the Day for the further re-consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with further amendments.

The Honorable T. H. Fellows moved, That the Report be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Wednesday, the 11th instant.

PENSIONS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Question—put.

The President pointed out that, as the Bill fell under the provisions of the sixtieth clause of the Constitution Act, he would desire that the numbers voting respectively for and against the Bill should be taken down by the Clerk.

The number voting for the Bill was nineteen, that being the number of Members in the House.

The question was therefore passed.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Council.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.

The Honorable T. H. Fellows moved, That the Bill be now re-considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with further amendments.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Thursday, the 19th instant.

AUSTRALIAN MUTUAL PROVIDENT SOCIETY BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same without amendment.

The Honorable A. Fraser moved, That the adoption of the Report of the Committee be made an Order of the Day for to morrow.

Ordered.

POSTPONEMENTS.—The following Orders of the Day were postponed until Wednesday, the 11th instant:—

“*Paid Naval and Military Forces Bill*”—To be further considered in Committee.

“*Merchandise Marks Bill*”—To be further considered in Committee.

HOSPITAL BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable J. P. Fawcner moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. P. Fawcner was read a third time and *passed*.

The Honorable J. P. Fawcner moved, That the title of the Bill be “*An Act for Hospitals and Charitable Institutions.*”

Question—put and passed.

Ordered—That the Bill be carried to the Legislative Assembly, with a Message desiring their concurrence therewith.

DRAINAGE BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.

The Honorable W. H. F. Mitchell moved, That the Bill be now re-considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with further amendments.

The Honorable W. H. F. Mitchell moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday, the 17th instant.

Ordered.

The Council adjourned at twenty minutes to six o'clock until four o'clock on Wednesday, the 11th instant.

ORDERS OF THE DAY.

WEDNESDAY, 11TH MAY, 1864.

Government Business.

ORDERS OF THE DAY:—

1. JUSTICES LAWS CONSOLIDATION BILL.—To be further considered in Committee.
2. REAL PROPERTY ACT AMENDMENT BILL.—To be read a third time.
3. PAID NAVAL AND MILITARY FORCES BILL.—To be further considered in Committee.
4. MERCHANDISE MARKS BILL.—To be further considered in Committee.

General Business.

ORDER OF THE DAY:—

1. AUSTRALIAN MUTUAL PROVIDENT SOCIETY BILL.—Adoption of Report.

TUESDAY, 17TH MAY.

ORDER OF THE DAY:—

1. DRAINAGE BILL.—Adoption of Report.

THURSDAY, 19TH MAY.

ORDER OF THE DAY:—

1. PENSIONS BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 11TH MAY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

COLDHAM AND WILMOT—REPORT IN CASE OF.—The Honorable M. Hervey laid on the Table a Return to the Order of the Council made on the 20th April, 1864.

ROYAL ASSENT TO BILLS.—His Excellency the Governor came into the Council Chamber and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber; who, being come with their Speaker, His Excellency was pleased to assent, in the name of Her Majesty the Queen, to the following Bills:—

“An Act to apply out of the Consolidated Revenue the sum of Ten thousand pounds to the service of the Year One thousand eight hundred and sixty-three and the further sum of Three hundred thousand pounds to the service of the Year One thousand eight hundred and sixty-four.”

“An Act to establish a Wharfage and Harbors Rate.”

The Royal Assent being read severally by the Clerk of the Parliaments in the following words:—

“In the name and on behalf of Her Majesty I assent to this Act.

“C. H. DARLING

“Governor.”

The Clerk of the Parliaments delivered to Mr. Speaker a schedule of the Acts assented to. Mr. Speaker and the Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

JUSTICES LAWS CONSOLIDATION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with further amendments.

The Honorable T. H. Fellows moved, That the Bill be now re-considered on the First Schedule in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Bill with further amendments.

The Honorable T. H. Fellows moved, That the adoption of the Report of the Committee be made an Order of the Day for Thursday, the 19th instant.

Question—put and passed.

REAL PROPERTY ACT AMENDMENT BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable T. H. Fellows, was read a third time and passed.

The Honorable T. H. Fellows moved, That the amended title of the Bill be “An Act to further amend the Real Property Act and for other purposes.”

Question—put and passed.

Ordered—That the Bill be carried to the Legislative Assembly, with a Message acquainting them that the Council have agreed to the Bill with amendments, and with an amended title, and desiring their concurrence therewith.

POSTPONEMENT.—The following Orders of the Day were severally postponed until Thursday, the 12th instant.—

“Paid Naval and Military Forces Bill”—To be further considered in Committee.

“Merchandise Marks Bill”—To be further considered in Committee.

AUSTRALIAN MUTUAL PROVIDENT SOCIETY BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable R. Turnbull moved, That the Report be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Thursday, the 12th instant.

The Council adjourned at ten minutes to six o'clock until four o'clock on Thursday, the 12th instant.

ORDERS OF THE DAY.

THURSDAY, 12TH MAY, 1864.

ORDERS OF THE DAY:—

1. PAID NAVAL AND MILITARY FORCES BILL.—To be further considered in Committee.
2. MERCHANDISE MARKS BILL.—To be further considered in Committee.
3. AUSTRALIAN MUTUAL PROVIDENT SOCIETY BILL.—To be read a third time.

TUESDAY, 17TH MAY.

ORDER OF THE DAY:—

1. DRAINAGE BILL.—Adoption of Report.

THURSDAY, 19TH MAY.

ORDERS OF THE DAY:—

1. PENSIONS BILL.—Adoption of Report.
2. JUSTICES LAWS CONSOLIDATION BILL.—Adoption of Report.

M E E T I N G

OF

S E L E C T C O M M I T T E E.

Thursday, 12th May, 1864.

PRINTING—at half-past 2 o'clock.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 12TH MAY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable M. Hervey laid on the Table the following Paper :—

Diseases—Return of (during 1863), from Chief Medical Officer.

Ordered to lie on the Table.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 18th instant :—

“*Paid Naval and Military Forces Bill*”—To be further considered in Committee.

MERCHANDISE MARKS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.

The Honorable T. H. Fellows moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Question—put and passed.

AUSTRALIAN MUTUAL PROVIDENT SOCIETY BILL.—The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be “*An Act for conferring certain powers on the Australian Mutual Provident Society.*”

Question—put and passed.

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

The Council adjourned at five o'clock until four o'clock on Tuesday, the 17th instant.

ORDERS OF THE DAY.

TUESDAY, 17TH MAY, 1864.

ORDERS OF THE DAY :—

1. DRAINAGE BILL.—Adoption of Report.
2. MERCHANDISE MARKS BILL.—Adoption of Report.

WEDNESDAY, 18TH MAY.

Government Business.

ORDER OF THE DAY :—

1. PAID NAVAL AND MILITARY FORCES BILL.—To be further considered in Committee.

THURSDAY, 19TH MAY.

ORDERS OF THE DAY :—

1. PENSIONS BILL.—Adoption of Report.
2. JUSTICES LAWS CONSOLIDATION BILL.—Adoption of Report.

MEETING
OF
SELECT COMMITTEE.

Tuesday, 17th May, 1864.

PRINTING—at half-past 3 o'clock.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 17TH MAY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PRINTING COMMITTEE.—FOURTH REPORT.—The Honorable Dr. Hope brought up the Fourth Report of the Printing Committee, and moved that the same be adopted and printed.

Question—put and passed.

DRAINAGE BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to facilitate the Drainage of Land for Agricultural and other purposes.*"

Question—put and passed.

Ordered—That the Bill be carried to the Legislative Assembly, with a message desiring their concurrence therewith.

MERCHANDISE MARKS BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable M. Hervey moved, That the Report be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for to-morrow.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act for Industrial and Reformatory Schools,*" and acquaint the Legislative Council that they have agreed to the same with amendments, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th May, 1864.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to consolidate and amend the Laws relating to the Licensing of Public Houses and the Sale of Fermented and Spirituous Liquors ;*"

Also a Bill intituled "*An Act to amend the Law relating to Weights and Measures ;*"

Also a Bill intituled "*An Act to amend the Law relating to Dogs ;*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th May, 1864.

INDUSTRIAL SCHOOLS BILL.—MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The Honorable M. Hervey moved, That the consideration of the Message from the Legislative Assembly with amendments in this Bill, be made an Order of the Day for Thursday next.

Question—put and passed.

PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Thursday next.

Question—put and passed.

Bill read a first time.

WEIGHTS AND MEASURES ACT AMENDMENT BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Thursday next.

Question—put and passed.

Bill read a first time.

DOG ACT AMENDMENT BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Thursday next.

Question—put and passed.

Bill read a first time.

BUSINESS PAPER.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That all business set down for Wednesday, the 18th instant, be postponed until Thursday, the 19th instant.

Question—put and passed.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Thursday next.

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until four o'clock on Thursday, the 19th instant.

ORDERS OF THE DAY.

THURSDAY, 19TH MAY.

ORDERS OF THE DAY :—

1. PENSIONS BILL.—Adoption of Report.
2. JUSTICES LAWS CONSOLIDATION BILL.—Adoption of Report.
3. INDUSTRIAL SCHOOLS BILL.—Consideration of Amendments of Legislative Assembly.
4. PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—To be read a second time.
5. WEIGHTS AND MEASURES ACT AMENDMENT BILL.—To be read a second time.
6. DOG ACT AMENDMENT BILL.—To be read a second time.
7. PAID NAVAL AND MILITARY FORCES BILL.—To be further considered in Committee.
8. MERCHANDISE MARKS BILL.—To be read a third time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 19TH MAY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until after the disposal of the other Orders of the Day :—

“Pensions Bill”—Adoption of Report.

“Justices Laws Consolidation Bill”—Adoption of Report.

INDUSTRIAL SCHOOLS BILL.—The Order of the Day for the consideration of the amendments made by the Legislative Assembly in this Bill being read, the amendments were severally read at the Table by the Clerk, as follows, and on the motion of the Honorable M. Hervey, were agreed to.

Title, omit all words after “for,” insert “the Amendment of the Law relating to neglected and criminal Children.”

Before clause 1, insert new clause A :—

“A. This Act shall be called and may be cited as ‘*The Neglected and Criminal Children Act 1864.*’”

Insert new clause H :—

“H. The Act mentioned in the first schedule hereto shall be and the same is hereby repealed but such repeal shall not affect any assignment award or order made under the authority of the said Act.”

Clause 3, line 3, after “schools” insert “as aforesaid.”

„ line 4, leave out “religious instruction.”

Clause 7, line 1, leave out “Industrial.”

„ same line, leave out “supported,” insert “established by private contributions and shall be likewise supported to the extent hereinafter mentioned.”

„ line 5, leave out “established under,” insert “or a reformatory school (as the case may be) within the meaning of.”

„ same line, leave out “the same,” insert “any such school.”

The Honorable M. Hervey moved, That the Council do agree with the amendment to insert new clause B :—

“B. The accounts of every school established by private contributions as in the last section mentioned shall be audited once at least in every year by the Commissioners of Audit who for the purposes of such audit shall have all the powers conferred on such commissioners by any law now or hereafter to be in force respecting the collection and audit of the public moneys and accounts. Every such school shall be entitled to receive out of the consolidated revenue a sum equal to twice the amount exclusive of any sums contributed by parents or step-parents as hereinafter mentioned which the Commissioners of Audit shall certify to have been collected and received by private contributions for the said school and to have been expended in the maintenance of the children therein for and during the preceding year. Provided always that the total amount to be granted out of the consolidated revenue to any such school shall not exceed a sum calculated at the rate of five shillings per week for every child maintained in such school in accordance with the provisions of this Act during the preceding year or any part thereof.”

The Honorable J. P. Fawcner moved, That after the word “accounts,” in the fifth line, the following words be inserted :—“Provided that such school accounts shall be kept separate and the accounts of the industrial shall be kept distinct from those of the “reformatory schools.”

Debate ensued.

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

Contents, 11.
The Hon. T. H. Fellows
M. Hervey
J. Henty
G. W. Cole
S. G. Henty
W. Degraives
A. Fraser
R. Turnbull
W. Taylor
J. P. Fawknor
J. McCrae (*Teller*).

Not Contents, 11.
The Hon T. T. a'Beckett
T. Robertson
W. Hull
W. Campbell
J. D. Pinnock
H. Miller
W. H. F. Mitchell
W. Highett
Dr. Wilkie
J. P. Bear
Dr. Hope (*Teller*).

The President declared that he gave his voice with the Contents.

The question was therefore carried.

Question—That the clause, as amended, be agreed to—put and passed.

The following amendments were severally read by the Clerk, and were agreed to on the motion of the Honorable M. Hervey.

Insert new clause C:—

“C. The Governor in Council shall direct a report of the condition management and regulations of every such school as is in the last preceding section mentioned to be made to him at least once in each year by such person as the Governor in Council may appoint and if upon his report the Governor in Council is dissatisfied with the condition management or regulations of the school he may withdraw his approval from such school and from and after publication of such withdrawal in the *Government Gazette* the school shall cease to be an industrial or reformatory school as the case may be within the meaning of this Act and to be entitled to receive aid from the consolidated revenue. Provided nevertheless that the Governor in Council shall not withdraw his approval of any school as aforesaid until after the lapse of two months from the time that a duplicate of the report aforesaid shall be transmitted to the superintendent matron or managers of such school. Provided also that the minister in whose department this Act may for the time being be administered shall yearly lay before Parliament a report of the condition management and regulations and a general account of the receipts and expenditure of all such schools up to the last day of December next preceding.”

Clause 8, line 1, leave out “fourteen,” insert “fifteen.”

Clause 9, line 1, after “who” leave out all the rest of clause; insert “answers to any of the descriptions hereinafter mentioned shall be deemed to be ‘a neglected child’ within the meaning and for the purposes of this Act.”

- (1.) Any child found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms.
- (2.) Any child who shall be found wandering about or frequenting any street thoroughfare tavern or place of public resort or sleeping in the open air and who shall not have any home or settled place of abode or any visible means of subsistence.
- (3.) Any child who shall reside in any brothel or associate or dwell with any person known or reputed to be a thief prostitute or drunkard or with any person convicted of vagrancy under any Act now or hereafter to be in force.
- (4.) Any child who having committed an offence punishable by imprisonment or some less punishment ought nevertheless in the opinion of the justices regard being had to his age and the circumstances of his case to be sent to an industrial school.
- (5.) Any child whose parent represents that he is unable to control such child and that he wishes him to be sent to an industrial school and gives security to the satisfaction of the justices before whom such child may be brought for payment of the maintenance of such child in such school.
- (6.) Any child who at the time of the passing of this Act shall be an inmate of the home commonly known as the “Immigrants’ Home.”

Clause 11, line 7, leave out “two,” insert “one year.”

” same line, at end of clause add “and no child except a ‘neglected child’ within the meaning of this Act shall be sent to or maintained in any industrial school.”

Clause 12, line 2, leave out “indictment,” insert “information.”

” line 9, leave out “two,” insert “one year.”

” same line, at end of clause add “and no child except a ‘convicted’ child within the meaning of this Act shall be sent to or maintained in any reformatory school.”

Clause 13, line 3, omit “indictment,” insert “information.”

” line 10, omit “two years,” insert “six months.”

Clause 15, line 3, omit “first,” insert “second.”

Clause 18, line 6, at end of clause add "and to remove any such inmate from any industrial or reformatory school maintained at the sole expense of the State to any other industrial or reformatory school as last aforesaid or from any industrial or reformatory school partly maintained by private contributions to any other such school as last aforesaid but no inmate shall be transferred from any industrial or reformatory school partly maintained by private contributions to any other such school unless he or she shall be a member of the denomination or one of the denominations by which the said last mentioned school shall be partly maintained."

Clause 21, line 5, omit "second," insert "third."

Clause 21, line 7, leave out "twenty," insert "ten."

Clause 22, line 11, omit "third," insert "fourth."

Clause 24, line 5, omit "last," insert "fifth."

Clause 25, line 3, leave out "five," insert "three."

Clause 30, line 5, leave out "twenty," insert "ten."

Clause 31, strike out this clause.

Clause 33, line 2, leave out "such," insert "industrial and reformatory."

„ line 3, leave out "as aforesaid," insert "maintained at the sole expense of the state."

Clause 36, line 7, at end of clause add "and such inmate may if he has absconded be ordered by the said justices to be sent back to the school and to be there detained until he reaches the age of fifteen years or for such shorter period as the justices think fit."

Clause 39, line 8, leave out "peace officer," insert "constable."

The Honorable M. Hervey moved, That the Council do agree with the amendment to insert after clause 40 new clause D:—

"D. In every case in which any person being under the age of nineteen years has been or shall hereafter be convicted of felony or misdemeanor the Supreme Court of Victoria or any judge thereof may upon the application of any person who may be willing to take charge of such infant and to provide for his or her maintenance and education if such court or judge shall find that the same will be for the benefit of such infant due regard being had to the age of the infant the prevention of crime and to the circumstances habits and character of the parents or testamentary or natural guardian of such infant to assign the care or custody of such infant during his or her minority or any part thereof to such person upon such terms and conditions and subject to such regulations respecting the maintenance education and care of such infant as the said court or judge shall think proper to prescribe and direct and upon any order for that purpose being made and so long as the same shall remain in force the same shall be binding and obligatory upon the father and upon every testamentary or natural guardian of such infant and no person shall be entitled to use or exercise any power or control over such infant which may be inconsistent with such order of the court or a judge. Provided always that the Supreme Court may at any time rescind such assignment or from time to time rescind alter or vary any such terms or conditions or such regulations as to the said court may seem fit and provided also that the court shall and may award such costs as to it may seem fit against any such person who shall make such application as aforesaid if such application shall not appear to the court well founded and such costs shall be payable to any parent who shall oppose such application."

And assignment altered.

The Honorable A. Fraser moved, That the word "nineteen" in the first line be omitted with a view to insert the word "sixteen" instead thereof.

Question—That the word proposed to be omitted stand part of the question—put and negatived.

Question—That the word "sixteen," proposed to be inserted, be so inserted—put and passed.

Question—That the clause as amended be agreed to—put and passed.

The following amendments were severally read by the Clerk, and, on the motion of the Honorable M. Hervey, were agreed to.

New clause E:—

"E. In every case it shall be a part of the terms and conditions last aforesaid upon which such care and custody shall be assigned that the infant shall not during the period of such care and custody be sent beyond the seas or out of the jurisdiction of the Supreme Court."

To be kept within jurisdiction of court.

New Clause F:—

"F. No fee emolument or reward whatsoever shall be demanded or taken by any officer or minister of the Supreme Court for any matter or thing done in the said court or by or before a judge thereof in pursuance of the provisions of the two last preceding sections and upon the making or opposing of any such application it shall be lawful for any judge of the said court to assign counsel learned in the law and to appoint an attorney of the said court to advise and carry on or to oppose such application who are hereby required to do their duties therein without fee or reward."

No fee to be demanded in such cases.

Counsel may be assigned.

New clause G:—

"G. Nothing herein shall affect or shall in any manner interfere with the execution of the sentence which may have been passed upon such infant on his or her conviction."

Execution of sentence not be affected.

After "Schedules" insert "The First Schedule":—

Date.	Title of Act.	Extent of Repeal.
13 Vict. No. 21	<i>"An Act to provide for the care and education of infants who may be convicted of felony or misdemeanor."</i>	The whole.

The First Schedule, omit "First," insert "Second."
 " line 1, page 7, leave out "fourteen," insert "fifteen."
 " line 12, leave out "officers of the peace," insert "constables."
 " line 14, leave out "fourteen," insert "fifteen."
 " line 16, leave out "the said colony."
 " line 21, under the head of [if imprisoned], leave out "two years,"
 insert "six months."
 " line 25, after "said" insert "*constables or.*"
 " same line, after "keeper" leave out "or officers."
 The Second Schedule, omit "Second," insert "Third."
 " line 2, leave out "the said."
 " line 4, after "was" insert "parent or."
 " line 7, before "step-parent" insert "parent or."
 The Third Schedule, omit "Third," insert "Fourth."
 " line 2, before "Schedule" leave out "Last," insert "Fifth."
 " same line, omit "in," insert "to."
 " line 3, leave out "the said colony."
 The Last Schedule, omit "Last," insert "Fifth."
 " line 3, leave out "the said."
 " line 4, after "the" insert "parent or."
 " line 13, leave out "the said colony."
 " line 16, leave out "the said."

Ordered—That the Bill be carried to the Legislative Assembly with a Message, acquainting them that the Council have agreed to some of the amendments made by the Legislative Assembly in the Bill, and have agreed to two of the amendments with amendments, with which they desire the concurrence of the Legislative Assembly.

PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on the next day of meeting.

Ordered.

DAYS OF BUSINESS FRIDAYS AND MONDAYS.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That during the remainder of the session, Fridays and Mondays be days of business.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until after the disposal of the seventh Order of the Day:—

"Weights and Measures Act Amendment Bill"—To be read a second time.

"Dog Act Amendment Bill"—To be read a second time.

PAID NAVAL AND MILITARY FORCES BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The President resumed the Chair.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Friday, the 20th instant:—

"Weights and Measures Act Amendment Bill"—To be read a second time.

"Dog Act Amendment Bill"—To be read a second time.

MERCHANDISE MARKS BILL.—The Order of the Day for the third reading of this Bill being read, the Honorable T. H. Fellows moved, That the Order of the Day be discharged with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-considered in Committee of the whole Council—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported, That the Committee had agreed to the Bill without further amendment.

The Honorable T. H. Fellows moved, That the Report of the Committee be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable T. H. Fellows, was read a third time and *passed*.

The Honorable T. H. Fellows moved, That the title of the Bill be "*An Act to amend the Law relating to the Fraudulent Marking of Merchandise.*"

Question—put and passed.

Ordered—That the Bill be carried to the Legislative Assembly with a Message, desiring their concurrence therewith.

POSTPONEMENT.—The following Order of the Day was postponed until Friday, the 20th instant :—

"*Pensions Bill*"—Adoption of Report.

JUSTICES LAWS CONSOLIDATION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-considered in Committee of the whole Council—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported, That the Committee had agreed to the Bill with further amendments.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Friday, the 20th instant.

The Council adjourned at twenty minutes to seven o'clock until four o'clock on Friday, the 20th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

FRIDAY, 20TH MAY, 1864.

ORDERS OF THE DAY :—

1. PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—To be further considered in Committee.
2. WEIGHTS AND MEASURES ACT AMENDMENT BILL.—To be read a second time.
3. DOG ACT AMENDMENT BILL.—To be read a second time.
4. PENSIONS BILL.—Adoption of Report.
5. JUSTICES LAWS CONSOLIDATION BILL.—Adoption of Report.

TUESDAY, 24TH MAY.

NOTICE OF MOTION :—

The Hon. T. H. FELLOWS : To move, That an Address be presented to the Governor, praying His Excellency to communicate with the Governors of the other Australian colonies on the subject of the Duke of Newcastle's Circular Despatch of the 26th June, 1863, with the view of ascertaining whether the Legislatures of those colonies will co-operate with the Legislature of this colony in securing the benefit of that Despatch, by providing for a stated period, co-extensive with that during which a regiment usually remains on foreign service, the requisite supplies for the maintenance of the proposed force, on condition that the Imperial Government will guarantee to each colony during such period the presence of the stipulated number of troops, though not necessarily of the same regiment.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

FRIDAY, 20TH MAY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Monday next.

Ordered.

WEIGHTS AND MEASURES ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same without amendment.

The Honorable M. Hervey moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to amend the Law relating to Weights and Measures.*"

Question—put and passed.

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

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council that the following Messages had been received from the Legislative Assembly:—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to consolidate the Laws relating to Marriage and to Deserted Wives and Children and to Divorce and Matrimonial Causes;*"

Also a Bill intituled "*An Act to consolidate the Laws relating to Wills;*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker,

Legislative Assembly Chamber,
Melbourne, 20th May, 1864.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act for Industrial and Reformatory Schools,*" and acquaint the Legislative Council that the Legislative Assembly agree to the amendments made by the Legislative Council upon the amendments of the Legislative Assembly.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th May, 1864.

MARRIAGE LAWS CONSOLIDATION BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time on Monday next.

Question—put and passed.

Bill read a first time.

WILLS LAWS CONSOLIDATION BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time on Monday next.

Question—put and passed.

Bill read a first time.

DOG ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.

The Honorable M. Hervey moved, That the adoption of the Report of the Committee be made an Order of the Day for Monday next.

Ordered.

PENSIONS BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable J. P. Fawcner moved, That the Order of the Day be discharged with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with further amendments.

The Honorable M. Hervey moved, That the report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the copy of the Bill as certified was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to amend the Law relating to the Pensions of Responsible Officers.*"

Question—put and passed.

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

JUSTICES LAWS CONSOLIDATION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Order of the Day be discharged with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the Bill with further amendments.

The Honorable T. H. Fellows moved, That the adoption of the Report of the Committee be made an Order of the Day for Monday next.

Ordered.

The Council adjourned at twenty minutes past six o'clock until four o'clock on Monday, the 23rd instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

MONDAY, 23RD MAY, 1864.

The Hon. W. HULL :

- (1.) To ask the Honorable the Commissioner of Public Works, If it be his intention to proceed with the Naval and Military Forces Bill in Committee ; and, if so, on what day ; also,
- (2.) In the event of his not intending so to do, what the effect of the rejection of the Bill by this House will probably be upon the system of defences now in progress by the Government.

ORDERS OF THE DAY :—

1. PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—To be further considered in Committee.
2. MARRIAGE LAWS CONSOLIDATION BILL.—To be read a second time.
3. WILLS LAWS CONSOLIDATION BILL.—To be read a second time.
4. DOG ACT AMENDMENT BILL.—Adoption of Report.
5. JUSTICES LAWS CONSOLIDATION BILL.—Adoption of Report.

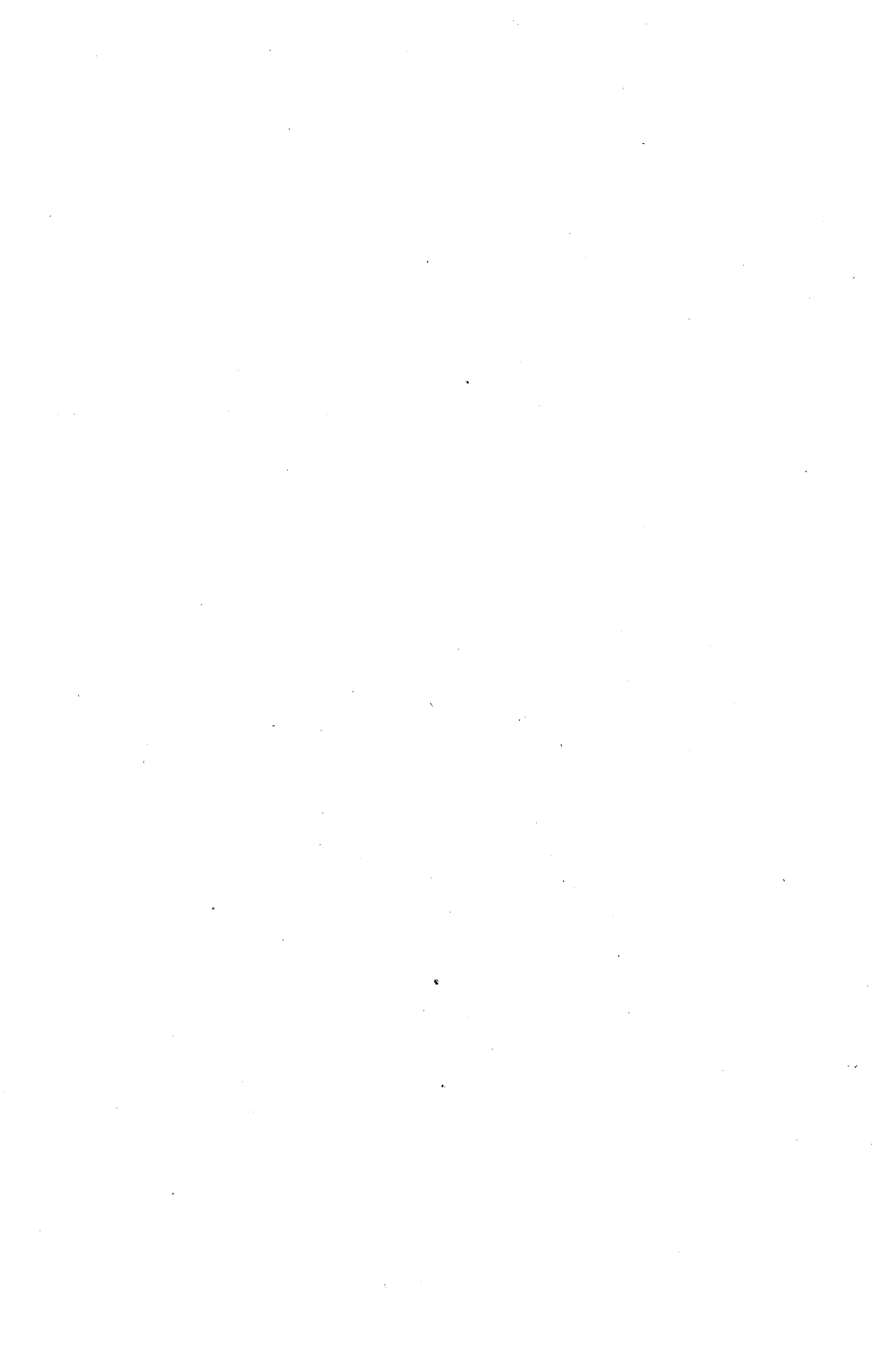
TUESDAY, 24TH MAY.

NOTICE OF MOTION :—

The Hon. T. H. FELLOWS : To move, That an Address be presented to the Governor, praying His Excellency to communicate with the Governors of the other Australian colonies on the subject of the Duke of Newcastle's Circular Despatch of the 26th June, 1863, with the view of ascertaining whether the Legislatures of those colonies will co-operate with the Legislature of this colony in securing the benefit of that Despatch, by providing for a stated period, co-extensive with that during which a regiment usually remains on foreign service, the requisite supplies for the maintenance of the proposed force, on condition that the Imperial Government will guarantee to each colony during such period the presence of the stipulated number of troops, though not necessarily of the same regiment.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

MONDAY, 23RD MAY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PENSIONS BILL.—The President called the attention of the Council to the fact that on the third reading of the Pensions Bill, on Friday, the 20th instant, the practice of entering on the Minutes at the time the fact that the Bill had passed with the concurrence of an absolute majority of the Council had been accidentally departed from ; but that as it had been ascertained from Honorable Members themselves that an absolute majority was present at the time, he now directed that it should be recorded in the Minutes that the third reading of the Bill had passed with the concurrence of an absolute majority of the whole number of the Members of the Council.

PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Wednesday next.

Ordered.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council that the following Messages had been received from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to consolidate the Law relating to Licensed Carriages;*"

Also a Bill intituled "*An Act to consolidate the Law relating to the Management of Towns and other populous places, and for the Suppression of various Offences;*"

Also a Bill intituled "*An Act to consolidate the Law relating to the Registration of Births Deaths and Marriages;*"

Also a Bill intituled "*An Act to limit the liability of Mining Companies;*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 23rd May, 1864.

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that an error has been discovered in the transcription of the amendments made by the Legislative Assembly in the Industrial and Reformatory Schools Bill, by which the following amendments in Clause XXXIII, line 6, viz. :—

Leave out "his" and insert "their;"

Leave out "denomination," insert "denominations respectively," were omitted. The Legislative Assembly now request the concurrence of the Legislative Council in the above amendment.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 23rd May, 1864.

- INDUSTRIAL SCHOOLS BILL.**—The Honorable M. Hervey moved, That the Council do agree to the amendments made by the Legislative Assembly in clause 33, line 6, and by a clerical error omitted in the transcription of the amendments brought from the Legislative Assembly.
 Question—put and passed.
 Ordered—That a Message be sent to the Legislative Assembly, acquainting them that the Council have agreed to rectify the error discovered.
- LICENSED CARRIAGES ACTS CONSOLIDATION BILL.**—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time on Wednesday next.
 Question—put and passed.
 Bill read a first time.
- POLICE OFFENCES LAW CONSOLIDATION BILL.**—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time on Wednesday next.
 Question—put and passed.
 Bill read a first time.
- REGISTRATION LAW CONSOLIDATION BILL.**—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time on Wednesday next.
 Question—put and passed.
 Bill read a first time.
- LIMITED LIABILITIES COMPANIES BILL.**—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time on Wednesday next.
 Bill read a first time.
- MARRIAGE LAWS CONSOLIDATION BILL.**—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved, That the Bill be now read a second time.
 Question—put and passed.
 Bill read a second time.
 The Honorable T. H. Fellows moved, That the Bill be now considered in Committee of the whole Council.
 Question—put and passed.
 Question—That the President do now leave the Chair—put and passed.
 The President left the Chair.
 The Chairman of Committees reported progress, and asked leave to sit again on Wednesday next.
 Ordered.
- WILLS LAWS CONSOLIDATION BILL.**—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved, That the Bill be now read a second time.
 Question—put and passed.
 Bill read a second time.
 The Honorable T. H. Fellows moved, That the Bill be now considered in Committee of the whole Council.
 Question—put and passed.
 Question—That the President do now leave the Chair—put and passed.
 The President left the Chair.
 The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.
 The Honorable T. H. Fellows moved, That the Report of the Committee be now adopted.
 Question—put and passed.
 Ordered—That the third reading of the Bill be made an Order of the Day for Wednesday next.
- DOG ACT AMENDMENT BILL.**—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.
 Question—put and passed.
 Question—That the Bill be now re-committed—put and passed.
 Question—That the President do now leave the Chair—put and passed.
 The President left the Chair.
 The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with further amendments.
 The Honorable T. H. Fellows moved, That the adoption of the Report of the Committee be made an Order of the Day for Wednesday next.
 Ordered.
- ADJOURNMENT.**—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Wednesday next.
 Question—put and passed.
- BUSINESS PAPER.**—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That the business set down for Tuesday be postponed until Wednesday, then to take precedence.
 Question—put and passed.

JUSTICES LAWS CONSOLIDATION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill was read.

The Honorable T. T. a'Beckett presented a Petition from the Mayor and Corporation of the City of Melbourne, praying that Clause A might be struck out of the Bill.

Petition received.

The Honorable T. H. Fellows moved, That the Report of the Committee of the whole Council on this Bill be now adopted.

Question—put and passed.

The President having reported that the fair print of the Bill was in accordance with the Bill as reported, the Honorable T. H. Fellows moved, That the Bill be now read a third time.

The Honorable T. T. a'Beckett moved, That all the words after the word “now” be omitted with a view of inserting the word “re-committed” instead thereof.

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

Question—That the Bill be now read a third time—put and passed.

Bill read a third time, and on the motion of the Honorable T. H. Fellows, *passed*.

The Honorable T. H. Fellows moved, That the *amended* title of the Bill be “*An Act to consolidate and amend the Laws relating to Justices of the Peace and Courts of General and Petty Sessions.*”

Ordered—That the Bill be returned to the Legislative Assembly with a Message, acquainting them that the Council had agreed to the Bill with amendments and with an amended title, and desiring their concurrence therewith.

The Council adjourned at five minutes to seven o'clock until four o'clock on Wednesday, the 25th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 25TH MAY, 1864.

General Business :—

NOTICE OF MOTION :—

The Hon. T. H. FELLOWS : To move, That an Address be presented to the Governor, praying His Excellency to communicate with the Governors of the other Australian colonies on the subject of the Duke of Newcastle's Circular Despatch of the 26th June, 1863, with the view of ascertaining whether the Legislatures of those colonies will co-operate with the Legislature of this colony in securing the benefit of that Despatch, by providing for a stated period, co-extensive with that during which a regiment usually remains on foreign service, the requisite supplies for the maintenance of the proposed force, on condition that the Imperial Government will guarantee to each colony during such period the presence of the stipulated number of troops, though not necessarily of the same regiment.

Government Business.

NOTICE OF MOTION :—

1. The Hon. M. HERVEY : To move, That the paid Naval and Military Forces Bill be restored to the paper.

ORDERS OF THE DAY :—

1. PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—To be further considered in Committee.
2. LICENSED CARRIAGES ACTS CONSOLIDATION BILL.—To be read a second time.
3. POLICE OFFENCES LAW CONSOLIDATION BILL.—To be read a second time.
4. REGISTRATION LAW CONSOLIDATION BILL.—To be read a second time.
5. LIMITED LIABILITIES COMPANIES BILL.—To be read a second time.
6. MARRIAGE LAWS CONSOLIDATION BILL.—To be further considered in Committee.
7. WILLS LAWS CONSOLIDATION BILL.—To be read a third time.
8. DOG ACT AMENDMENT BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 25TH MAY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PAID NAVAL AND MILITARY FORCES BILL.—The Honorable M. Hervey, with leave of the Council, in accordance with *amended* notice, moved, That the further consideration of the Paid Naval and Military Forces Bill in Committee of the whole Council be made an Order of the Day for this day.

Debate ensued.

Amendment moved by the Honorable J. P. Fawkner, That the words "this day" be omitted, with a view to insert the word "Thursday" instead thereof.

Debate ensued.

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

Question—That the further consideration of the Paid Naval and Military Forces Bill in Committee of the whole Council be made an Order of the Day for this day—put and passed.

The President left the Chair.

The Chairman of Committees reported, That the Committee had gone through the Bill, and had agreed to the same with amendments.

The Honorable M. Hervey moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to consolidate and amend the Law relating to the Post Office ;*"

Also a Bill intituled "*An Act to amend the Electoral Act 1863 ;*"

Also a Bill intituled "*An Act to consolidate the Law relating to Goals ;*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 25th May, 1864.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a copy of an Address to Her Most Gracious Majesty the Queen, which has been adopted by the Legislative Assembly, praying Her Majesty to grant that a branch of Her Majesty's Royal Mint may be established in the Colony of Victoria, to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker,

Legislative Assembly Chamber,
Melbourne, 25th May, 1864.

MAY IT PLEASE YOUR MAJESTY,

We, Your Majesty's loyal and dutiful subjects, the Members of the Legislative Assembly of Victoria, in Parliament assembled, desire to thank Your Majesty for the very gracious reception which Your Majesty was pleased to accord to our Address of the 16th December, 1859, praying for the establishment in Victoria of a branch of the Royal Mint and at the same time to express our regret that Your Majesty has not been advised to issue any instructions in compliance with the prayer of that Address.

And whereas it would appear, from the despatches accompanying the intimation of Your Majesty's royal pleasure, that the principal objection of Your Majesty's Advisers was to the request that the coinage issued from such Branch Mint should have currency throughout the British Empire, and that there are no grounds on which Your Majesty's Government could refuse compliance with an application for the establishment of a local mint, subject to the same limitations as the establishment now existing in the Colony of New South Wales, and in accordance with the conditions stated by the Lords Commissioners of Your Majesty's Treasury, in the minute dated the 22nd day of March, 1853.

And as we are of opinion that the existence of such an establishment in this colony would be a direct benefit to the gold producing interest, and also of great advantage to the general prosperity of this Your Majesty's loyal colony of Victoria, we now humbly beseech that Your Majesty will be graciously pleased to grant that instructions may be issued for the establishment of a branch of the Royal Mint in the said Colony of Victoria, upon the same terms as in New South Wales, and in conformity with the intimation conveyed in the Treasury Minute of the 5th November, 1860.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled, "*An Act to amend the Law relating to the Fraudulent Marking of Merchandise:*" also, the Bill intituled, "*An Act for Hospitals and Charitable Institutions,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to these Bills, with amendments, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Speaker.

Legislative Assembly Chambers,
Melbourne, 25th May, 1864.

ROYAL MINT.—The Honorable M. Hervey moved, That the consideration of the Message from the Legislative Assembly, with an Address to Her Most Gracious Majesty, be made an Order of the Day for to-morrow.

Ordered.

HOSPITALS BILL.—The Honorable J. P. Fawkner moved, That the consideration of the amendments made by the Legislative Assembly in this Bill be made an Order of the Day for to-morrow.

Ordered.

POST OFFICE LAW CONSOLIDATION AND AMENDMENT BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

GAOLS LAW CONSOLIDATION BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

ELECTORAL ACT 1863 AMENDMENT BILL.—The Honorable J. McCrae moved, That this Bill be now read a first time, printed, and read a second time on Friday next.

Question—put and passed.

Bill read a first time.

PAPERS.—The Honorable M. Hervey, by command of His Excellency the Governor, laid on the Table the following Paper:—

St. Arnaud—Report on Gold and Silver Bearing Reefs at.

Ordered to lie on the Table.

MERCHANDISE MARKS BILL.—The Honorable M. Hervey moved, That the consideration of the amendments made by the Legislative Assembly in this Bill be made an Order of the Day for to-morrow,

Ordered.

PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again to-morrow.

Ordered.

LICENSED CARRIAGES ACTS CONSOLIDATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable T. H. Fellows moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same without amendment.

The Honorable T. H. Fellows moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable T. H. Fellows, was read a third time and *passed*.

The Honorable T. H. Fellows moved, That the title of the Bill be “*An Act to Consolidate the Law relating to Licensed Carriages.*”

Question—put and passed.

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

POSTPONEMENTS.—The following Orders of the Day were severally postponed until after the disposal of the fifth Order of the Day :—

“*Police Offences Law Consolidation Bill*”—to be read a second time.

“*Registration Law Consolidation Bill*”—to be read a second time.

LIMITED LIABILITIES COMPANIES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable T. H. Fellows moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed:

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and agreed to the same with amendments.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

CONSOLIDATION BILLS.—SECOND READING.—On the motion of the Honorable T. H. Fellows the following Bills were severally read a second time :—

Police Offences Law Consolidation Bill, and *Registration Law Consolidation Bill*.

CONSOLIDATION BILLS.—COMMITTAL.—The Honorable T. H. Fellows moved, That the Police Offences Law Consolidation Bill and the Registration Law Consolidation Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bills and had agreed to the Police Offences Law Consolidation Bill with one amendment, and to the Registration Law Consolidation Bill without amendment.

Ordered—That the adoption of the Report of the Committee on the Police Offences Law Consolidation Bill be made an Order of the Day for to-morrow.

The Honorable M. Hervey moved, That the Report of the Committee on the Registration Law Consolidation Bill be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Registration Law Consolidation Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be “*An Act to consolidate the Law relating to the Registration of Births Deaths and Marriages.*”

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

MARRIAGE LAWS CONSOLIDATION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair. The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with amendments.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

WILLS LAWS CONSOLIDATION BILL.—The Order of the Day for the third reading of this Bill being read, the Honorable T. H. Fellows moved, That the Order of the Day be discharged with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now recommitted—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with amendments.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

DOG ACT AMENDMENT BILL—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable T. H. Fellows, was read a third time and *passed*.

The Honorable T. H. Fellows moved, That the title of the Bill be "*An Act to amend the Law relating to Dogs.*"

Question—put and passed.

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

The Council adjourned at half-past seven o'clock until four o'clock on Thursday, the 26th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 26TH MAY, 1864.

NOTICE OF MOTION :—

The Hon. T. H. FELLOWS: To move, That an Address be presented to the Governor, praying His Excellency to communicate with the Governors of the other Australian colonies on the subject of the Duke of Newcastle's Circular Despatch of the 26th June, 1863, with the view of ascertaining whether the Legislatures of those colonies will co-operate with the Legislature of this colony in securing the benefit of that Despatch, by providing for a stated period, co-extensive with that during which a regiment usually remains on foreign service, the requisite supplies for the maintenance of the proposed force, on condition that the Imperial Government will guarantee to each colony during such period the presence of the stipulated number of troops, though not necessarily of the same regiment.

ORDERS OF THE DAY :—

1. PAID NAVAL AND MILITARY FORCES BILL.—Adoption of Report.
2. ROYAL MINT.—Consideration of Message from Legislative Assembly.
3. HOSPITALS BILL.—Consideration of amendments made by Legislative Assembly.
4. POST OFFICE LAW CONSOLIDATION AND AMENDMENT BILL.—To be read a second time.
5. GAOLS LAW CONSOLIDATION BILL.—To be read a second time.
6. MERCHANDISE MARKS BILL.—Consideration of amendments of Legislative Assembly.
7. PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—To be further considered in Committee.
8. LIMITED LIABILITIES COMPANIES BILL.—Adoption of Report.
9. POLICE OFFENCES LAW CONSOLIDATION BILL.—Adoption of Report.
10. MARRIAGE LAWS CONSOLIDATION BILL.—Adoption of Report.
11. WILLS LAWS CONSOLIDATION BILL.—Adoption of Report.

FRIDAY, 27TH MAY.

ORDER OF THE DAY :—

1. ELECTORAL ACT 1863 AMENDMENT BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Thursday, 26th May, 1864.

PRINTING—at half-past 3 o'clock.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 26TH MAY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PRINTING COMMITTEE.—FIFTH REPORT.—The Honorable Dr. Hope brought up the Fifth Report of the Printing Committee, and moved that the same be received.

Question—put and passed.

The Honorable Dr. Hope moved, That the Report be now adopted and printed.

Question—put and passed.

PETITION.—The Honorable W. Hull presented a Petition, signed by Henry Donovan Brown, styling himself President of the Melbourne Licensed Victuallers' Association, and praying that certain alterations may be made in The Publicans Acts Consolidation and Amendment Bill.

Petition received.

The Honorable W. Hull moved, That the Petition be referred to the Committee of the whole Council sitting on the Bill.

Question—put and passed.

PAID NAVAL AND MILITARY FORCES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable M. Hervey moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to provide for the Regulation and Discipline of the Paid Naval and Military Forces in the service of Her Majesty's Local Government in Victoria.*"

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Friday, the 27th instant:—

"*Royal Mint*"—Consideration of Message from Legislative Assembly.

HOSPITALS AND CHARITABLE INSTITUTIONS BILL.—The Order of the Day for the consideration of the Amendments made by the Legislative Assembly in this Bill being read, the amendments were severally read, as follows, by the Clerk, and, on the motion of the Honorable J. P. Fawkner, were agreed to.

Clause 1, line 4, omit "two pounds" and insert "one pound."

line 5, omit "fifty," insert "twenty."

Clause 6, line 1, omit "it," insert "its."

Clause 7, add "Provided that no such bye-laws shall enable any contributor to exercise more than three votes."

Clause 12, line 1, omit "members," insert "member."

The following amendment being read—

Clause 16, line 2, omit all the words after "shall" and insert "be and the same are hereby repealed"—

The Honorable J. P. Fawcner moved, That the Council do not agree with the amendment.
Question—That the Council do not agree with the amendment—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council have agreed to some of the amendments and have disagreed with one of the amendments, with which they desire the concurrence of the Legislative Assembly.

POST OFFICE LAW CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again to-morrow.

Ordered.

GAOLS LAW CONSOLIDATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same without amendment.

The Honorable M. Hervey moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to consolidate the Law relating to Gaols.*"

Question—put and passed.

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

MERCHANDISE MARKS BILL.—The Order of the Day for the consideration of the Amendments made by the Legislative Assembly in this Bill being read, the amendments were read by the Clerk as follows:—

Clause 3, line 21, after "pounds" insert "or shall at the discretion of such justices and either as an alternative punishment or in addition to such penalty be imprisoned for any period not exceeding twelve months."

Clause 4, line 21, after "pounds" insert "or shall at the discretion of such justices and either as an alternative punishment or in addition to such penalty be imprisoned for any period not exceeding twelve months."

Clause 5, at end of clause, add "or shall at the discretion of such justices and either as an alternative punishment or in addition to such penalty be imprisoned for any period not exceeding one month."

Clause 8, at end of clause, add "or shall at the discretion of such justices and either as an alternative punishment or in addition to such penalty be imprisoned for any period not exceeding one month."

Clause 9, at end of clause, add "or shall at the discretion of such justices and either as an alternative punishment or in addition to such penalty be imprisoned for any period not exceeding one month."

The Honorable T. H. Fellows moved, That the Council do agree to the amendment in Clause 3, with the omission of the words "and either as an alternative punishment or in addition to such penalty," and with the insertion of the words "with or without hard labor" after the word "imprisoned."

Question—put and passed.

The Honorable T. H. Fellows moved, That each of the amendments in Clauses 4, 5, 8, and 9, be agreed to with similar amendments.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments made by the Legislative Assembly in the Bill with amendments, with which they desire the concurrence of the Legislative Assembly.

PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with amendments.

The Honorable T. H. Fellows moved, That the Bill be now re-committed.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress and asked leave to sit again to-morrow.

Ordered.

LIMITED LIABILITIES COMPANIES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Order of the Day be discharged with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the Bill with further amendments.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for to-morrow, then to take precedence.

PAPER.—The Honorable M. Hervey laid on the Table the following paper :—

Electric Telegraph—Report on, for year ending 31st December, 1863.

Ordered to lie on the Table.

POLICE OFFENCES LAW CONSOLIDATION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable M. Hervey moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to consolidate the Law relating to the Management of Towns and other Populous Places and for the suppression of various Offences.*"

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Council have agreed to the Bill with an amendment, and desiring their concurrence therewith.

MARRIAGE LAWS CONSOLIDATION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable M. Hervey moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to consolidate the Laws relating to Marriage and to Deserted Wives and Children and to Divorce and Matrimonial Causes.*"

Question—put and passed.

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

WILLS LAWS CONSOLIDATION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable M. Hervey moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to consolidate the Laws relating to Wills.*"

Question—put and passed.

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

The Council adjourned at twenty minutes to seven o'clock until four o'clock on Friday, the 27th instant.

ORDERS OF THE DAY.

FRIDAY, 27TH MAY, 1864.

ORDERS OF THE DAY :—

1. LIMITED LIABILITIES COMPANIES BILL.—Adoption of Report.
2. ELECTORAL ACT 1863 AMENDMENT BILL.—To be read a second time.
3. ROYAL MINT.—Consideration of Message from Legislative Assembly.
4. POST OFFICE LAW CONSOLIDATION AND AMENDMENT BILL.—To be further considered in Committee.
5. PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—To be further re-considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

FRIDAY, 27TH MAY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

LIMITED LIABILITIES COMPANIES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable T. H. Fellows was read a third time and *passed*.

The Honorable T. H. Fellows moved, That the title of the Bill be "*An Act to limit the Liability of Mining Companies.*"

Question—put and passed.

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

POSTPONEMENT.—The following Orders of the Day were severally postponed as hereunder set down :—

"*Electoral Act 1863 Amendment Bill*"—To be read a second time Tuesday, the 31st instant.

"*Royal Mint*"—Consideration of Message from Legislative Assembly, Monday, 30th instant.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers :—

1. Census of Victoria, 1861.—Ages of the People.

2. Fryer's Creek, Mining at.—Order in Council (25th April, 1864).

POST OFFICE LAW CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate the Law relating to the Management of Towns and other populous places and for the suppression of various offences*" and acquaint the Legislative Council that they have agreed to the amendment made therein by the Legislative Council, with an amendment, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 26th May, 1864.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act for Hospitals and Charitable Institutions,*" and acquaint the Legislative Council that they do not insist on their amendment in this Bill, disagreed to by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 26th May, 1864.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Law relating to the Fraudulent Marking of Merchandise,*" and acquaint the Legislative Council that they agree to the amendments made by the Legislative Council in the amendments of the Legislative Assembly in this Bill.

Legislative Assembly Chambers,
Melbourne, 26th May, 1864.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to provide for the Regulation and Discipline of the Paid Naval and Military Forces in the Service of Her Majesty's Local Government in Victoria;*"

Also the Bill intituled "*An Act to Consolidate the Laws relating to Wills;*"

Also the Bill intituled "*An Act to Consolidate the Laws relating to Marriage and to Deserted Wives and Children and to Divorce and Matrimonial Causes;*" and acquaint the Legislative Council that the Legislative Assembly agree to the amendments made therein respectively by the Legislative Council.

Legislative Assembly Chambers,
Melbourne, 27th May, 1864.

FRANS. MURPHY,
Speaker.

POLICE OFFENCES LAW CONSOLIDATION BILL.—The Honorable J. P. Fawcner moved, That the Council do agree to the following amendment, made by the Legislative Assembly in the amendment made by the Legislative Council in the Bill, viz., omit "nor shall hang," insert "or hanging."

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendment.

POST OFFICE LAW CONSOLIDATION AND AMENDMENT BILL.—The Honorable J. P. Fawcner moved, That this Bill be now re-committed.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with further amendments.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Monday, the 30th instant.

PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the further re-consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with further amendments.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Monday.

The Council adjourned at a quarter past six o'clock until four o'clock on Monday, the 30th instant.

ORDERS OF THE DAY.

MONDAY, 30TH MAY, 1864.

ORDERS OF THE DAY :—

1. ROYAL MINT.—Consideration of Message from Legislative Assembly.
2. POST OFFICE LAW CONSOLIDATION AND AMENDMENT BILL.—Adoption of Report.
3. PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—Adoption of Report.

TUESDAY, 31ST MAY.

1. ELECTORAL ACT 1863 AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

MONDAY, 30TH MAY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

POSTPONEMENT.—The following Order of the Day was postponed until after the disposal of the other Orders of the Day :—

“*Royal Mint*”—Consideration of Message from Legislative Assembly.

POST OFFICE LAW CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable M. Hervey moved, That the Order of the Day be discharged with a view to the re-committal of the Bill.

Question—That the Order of the Day be discharged—put and passed.

Question—That the Bill be now re-committed—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with further amendments.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending an amendment in the Bill intituled “*An Act to consolidate the Laws relating to Wills,*” and acquaint the Legislative Council that they have agreed to the amendment recommended by His Excellency the Governor, and request the concurrence of the Legislative Council therein.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 30th May, 1864.

C. H. DARLING,
Governor.

Message No.

In accordance with the 36th Section of The Constitution Act the Governor transmits to the Legislative Assembly for their consideration the following amendment, which he desires to be made in the Bill intituled “*An Act to consolidate the Laws relating to Wills,*” presented to him for Her Majesty’s assent :—

Section 1, last line, for the figures “37” insert “36.”

Government Offices,
Melbourne, 30th May, 1864.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to facilitate the Drainage of Land for Agricultural and other Purposes,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the same with amendments, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 30th May, 1864.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to further amend the Real Property Act,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 30th May, 1864.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to provide for the better Administration of Justice in County Courts,*" in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 30th May, 1864.

FRANS. MURPHY,
Speaker.

WILLS LAWS CONSOLIDATION BILL.—The Honorable M. Hervey moved, That the Council do agree with the amendment recommended by the Governor in this Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendment.

COUNTY COURTS BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Amendment moved by the Honorable J. P. Fawcner, That the word "Tuesday" be omitted, with a view to insert "Thursday" instead thereof.

Question—That the word "Tuesday," proposed to be omitted, stand part of the question—put and negatived.

Question—That the word "Thursday," proposed to be inserted, be so inserted—put and passed.

Question—That the Bill be now read a first time, printed, and read a second time on Thursday next—put and passed.

Bill read a first time.

DRAINAGE BILL.—The Honorable W. H. F. Mitchell moved, That the consideration of the Message from the Legislative Assembly with amendments in this Bill be made an Order of the Day for this day.

Question—put and passed.

PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable J. P. Fawcner moved, That the Order of the Day be discharged with a view to the re-committal of the Bill.

Question—That the Order of the Day be discharged—put and passed.

Question—That the Bill be now re-committed—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with further amendments.

Ordered—That the Report of the Committee be made an Order of the Day for Tuesday, the 31st instant.

DRAINAGE OF LAND BILL.—CONSIDERATION OF MESSAGE FROM LEGISLATIVE ASSEMBLY.—The amendments made by the Legislative Assembly in this Bill were severally read at the Table by the Clerk as follows, and on the motion of the Honorable W. H. F. Mitchell were agreed to.

Clause 1, line 5, omit "and."

„ line 6, omit "as" and insert "is."

Clause 2, line 5, before "be" insert "and shall."

„ „ after "which" insert "the land proposed to be drained and."

Clause 8, add new paragraph as follows:—

"If the decision is that no injury will be caused or that the injury is of a nature to admit of being fully compensated by money the justices or arbitrators at the time of such decision or any two justices at any time or times afterwards shall if thereto requested by the applicant his heirs or assigns or by the owner or occupier for the time being of the lands through or in which such drains or improvements in drains are made determine in what manner and of what materials such drains or improvements in drains shall be constructed and maintained and whether any and if any what fence shall be erected by the applicant his heirs or assigns on one side or on both sides of any drain made or proposed to be made or improved under this Act and what number of bridges or other crossing places shall be made across the same respectively and if the applicant shall proceed to make any drain or improvements in drains in a manner or of materials not in accordance with such decision or without making a fence in accordance with such decision if there shall be a decision that a fence shall be erected he shall be deemed to be trespassing upon the land through which such drain or improvements in drains shall be made in the same manner as he would be if this Act had not been passed."

- Clause 11, line 2, after "made" insert "or fences erected."
 ,, line 6, after "efficiency" insert "or of repairing such fences as aforesaid."
 ,, line 7, after "not" insert "constructed or maintained in accordance with such decisions or are not."
 ,, line 8, after "efficiency" insert "or if any fences erected as aforesaid are not kept in repair."
 ,, line 11, after "efficiency" insert "or repair such fences."
 ,, line 13, omit "applicant his heirs or assigns" and insert "person for the time being entitled to enter upon such lands for the purpose hereinbefore mentioned."

New Clause to follow Clause 21, as follows :—

"If Her Majesty or Her successors or the Board of Land and Works be the owner of the lands through which it is proposed that any drains or improvements in drains whatsoever shall be made under the authority of any part of this Act the notice of application shall be served upon the President of the Board and the Board may on behalf of Her Majesty and Her successors or for itself assent to the application (either with or without conditions) by an instrument under the seal of the Board but if the Board shall within one month after the service of the notice of application signify dissent by a notice published in the *Government Gazette* it shall not be lawful for the applicant notwithstanding anything in this Act contained to make the drains or improvements in drains through such lands."

Clause 23, add at end of clause, "and shall include Her Majesty and Her successors and the Board of Land and Works."

Schedule, line 12, after "which" insert "the land proposed to be drained and."

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments made by the Legislative Assembly in the Bill.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council the accompanying communication from the Clerk of the Parliaments, calling attention to certain clerical errors in the Bill intituled "*An Act to consolidate the Law relating to the Management of Towns and other Populous Places and for the suppression of various Offences,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments suggested by the Clerk of the Parliaments, to which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 30th May, 1864.

FRANS. MURPHY,
Speaker.

Parliament House,
Melbourne, 30th May, 1864.

SIR,

I do myself the honor to report, in conformity with the requirements of the twenty-first Joint Standing Order of both Houses of Parliament, that the following clerical errors have been discovered in the Bill intituled "*An Act to consolidate the Law relating to the Management of Towns and other Populous Places and for the suppression of various Offences,*" viz :

In clause 22, line 2, the words "write or draw" occur where the words "writes or draws" are required, and in line 3 of the same clause, the word "use" occurs where the context requires that the word "uses" should be inserted.

I have the honor to be, Sir,
Your most obedient servant,

G. W. RUSDEN,
Clerk of the Parliaments.

The Honorable the Speaker.

The Honorable T. H. Fellows moved, That the Council do agree with the Legislative Assembly in correcting the clerical errors discovered in the Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to correct the clerical errors discovered in the Bill.

POSTPONEMENT. — The following Order of the Day was postponed until Tuesday, the 31st instant :—

"*Royal Mint*"—Consideration of Message from Legislative Assembly.

The Council adjourned at twenty minutes past six o'clock until four o'clock on Tuesday, the 31st instant.

ORDERS OF THE DAY.

 TUESDAY, 31ST MAY, 1864.

1. The Hon. F. ROBERTSON: To ask the Honorable the Commissioner of Public Works, Whether the Government intend to adopt any means to ascertain, before the first day of January, 1865, the date fixed for the Consolidation Bills coming into operation, whether any discrepancies exist between the Bill as passed and the existing law.

ORDERS OF THE DAY :—

1. ELECTORAL ACT 1863 AMENDMENT BILL.—To be read a second time.
 2. POST OFFICE LAW CONSOLIDATION AND AMENDMENT BILL.—Adoption of Report.
 3. PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—Adoption of Report.
 4. ROYAL MINT.—Consideration of Message from Legislative Assembly.
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THURSDAY, 2ND JUNE.

1. COUNTY COURTS ADMINISTRATION BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 31ST MAY, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable M. Hervey laid on the Table the following Paper—

Civil Establishment, for 1863—Return of.

Ordered to lie on the Table.

ELECTORAL ACT 1863 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. McCrae moved, That the Order of the Day be discharged from the Paper.

Question—put and passed.

POST OFFICE LAW CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable M. Hervey moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill on the 15th and 26th Clauses.

Question—That the Order of the Day be discharged—put and passed.

Question—That the Bill be now re-committed on the 15th and 26th Clauses—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to Clauses 15 and 26, with further amendments.

The Honorable M. Hervey moved, That the Report of the Committee be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the Bill as certified was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to consolidate and amend the Law relating to the Post Office.*"

Question—put and passed.

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

PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable M. Hervey moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to consolidate and amend the Laws relating to the Licensing of Public Houses and the Sale of Fermented and Spirituous Liquors.*"

Question—put and passed.

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

ROYAL MINT.—The Order of the Day for the consideration of the Message from the Legislative Assembly with an Address to Her Most Gracious Majesty, praying for the establishment of a branch of the Royal Mint in the Colony of Victoria being read, the Honorable M. Hervey moved, That the Council concur with the Assembly in the adoption of the Address.

The Address was read at the Table by the Clerk as follows :—

MAY IT PLEASE YOUR MAJESTY,

We, Your Majesty's loyal and dutiful subjects, the Members of the Legislative Assembly of Victoria, in Parliament assembled, desire to thank Your Majesty for the very gracious reception which Your Majesty was pleased to accord to our Address of the 16th December, 1859, praying for the establishment in Victoria of a branch of the Royal Mint, and at the same time to express our regret that Your Majesty has not been advised to issue any instructions in compliance with the prayer of that Address.

And whereas it would appear, from the despatches accompanying the intimation of Your Majesty's royal pleasure, that the principal objection of Your Majesty's Advisers was to the request that the coinage issued from such branch mint should have currency throughout the British Empire, and that there are no grounds on which Your Majesty's Government could refuse compliance with an application for the establishment of a local mint, subject to the same limitations as the establishment now existing in the Colony of New South Wales, and in accordance with the conditions stated by the Lords Commissioners of Your Majesty's Treasury, in the Minute, dated the 22nd day of March, 1853;

And as we are of opinion that the existence of such an establishment in this colony would be a direct benefit to the gold-producing interest, and also of great advantage to the general prosperity of this, Your Majesty's loyal Colony of Victoria, we now humbly beseech that Your Majesty will be graciously pleased to grant that instructions may be issued for the establishment of a branch of the Royal Mint in the said Colony of Victoria, upon the same terms as in New South Wales, and in conformity with the intimation conveyed in the Treasury Minute of the 5th November, 1860.

Debate ensued.

Amendment moved by the Honorable H. Miller, That the words "if the Australian sovereigns were made current coin" be inserted after the word "interest" in the sixteenth line of the Address.

Debate ensued.

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

Question—That the Council concur with the Legislative Assembly in the adoption of the Address—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council have concurred with the Assembly with the Address.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, transmitting to the Legislative Assembly for their consideration certain amendments in the Bill intituled "*An Act to further amend the Real Property Act*," and acquaint the Legislative Council that the Legislative Assembly have agreed to such amendments, and request the concurrence of the Legislative Council therein.

Legislative Assembly Chamber,
Melbourne, 31st May, 1864.

FRANS. MURPHY,
Speaker.

C. H. DARLING,
Governor.

Message No.

In accordance with the 36th Section of The Constitution Act, the Governor transmits to the Legislative Assembly for their consideration the following amendments, which he desires to be made in the Bill intituled "*An Act to further amend the Real Property Act*," presented to him for Her Majesty's assent :—

- (1.) Section 16, page 4, line 4, omit the words "or without leaving a will thereof within any of the Australian Colonies or Tasmania or New Zealand."
- (2.) Line 7, for the word "three" substitute the word "twelve."
- (3.) Line 8, for word "shall" substitute "may."
- (4.) Line 20, after the word "deceased" insert the words "and he had died actually intestate as to the same."

REAL PROPERTY ACT AMENDMENT BILL.—The amendments recommended by His Excellency the Governor in this Bill were read at the Table by the Clerk.

The Honorable M. Hervey moved, That the Council do agree with the Legislative Assembly in making the amendments recommended by His Excellency the Governor in the Bill.

Question—put and passed.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate the Law relating to Justices of the Peace and Courts of General and Petty Sessions,*" and acquaint the Legislative Council that they have disagreed to some of the amendments made therein by the Legislative Council, have agreed to others of the amendments, and have agreed to others of the amendments with amendments, and have made a consequential amendment, in which various amendments they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 31st May, 1864.

FRANS. MURPHY,
Speaker.

JUSTICES LAWS CONSOLIDATION BILL.—The Honorable M. Hervey moved, That the Council do not insist on their amendments in this Bill.

Debate ensued.

Question—put.

Council divided.

Contents, 9.
The Hon. M. Hervey
T. T. a'Beckett
J. P. Bear
G. W. Cole
R. Turnbull
A. Fraser
Dr. Wilkie
Dr. Hope
J. Henty (*Teller*).

Not Contents, 11.
The Hon. W. Taylor
F. Robertson
C. J. Jenner
W. Campbell
J. D. Pinnock
W. Degraives
W. Highett
W. H. F. Mitchell
H. Miller
J. McCrae
T. H. Power (*Teller*).

The question was therefore negatived.

The Honorable W. H. F. Mitchell moved, That the Council do insist on their amendments in the Bill.

Question—put and passed.

The Honorable W. H. F. Mitchell moved, That the Council disagree with the amendments made by the Legislative Assembly on the amendments made by the Council in the Bill, and with the consequential amendments made by the Legislative Assembly.

Question—put and passed.

Ordered — That the Bill be returned to the Legislative Assembly with a Message, acquainting them that the Council insist on the amendments made by the Council in the Bill and do not agree to the amendments and consequential amendments made by the Legislative Assembly.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to limit the Liability of Mining Companies,*" and acquaint the Legislative Council that they have agreed to some of the amendments made therein by the Legislative Council, and have agreed to others with amendments, in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 31st May, 1864.

FRANS. MURPHY,
Speaker.

LIMITED LIABILITIES BILL.—The Honorable T. H. Fellows moved, That the Council do agree to the following amendments made by the Legislative Assembly in the amendments made by the Legislative Council in this Bill :—

Clause 7, line 21, amendment of the Legislative Council.—Agreed to with the following amendment: Insert after "work," "and the supply of the materials for the same."

Amendment to leave out clause 8.—Agreed to with the following amendment: Insert the following new Clause AA :—

"Contracts on behalf of any company under this Act may be made varied or discharged as follows that is to say :—

- (1.) Any contract which if made between private persons would be by law required to be in writing under seal may be made varied or discharged in the name and on behalf of the company in writing under the common seal of the company.
- (2.) Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith may be made varied or discharged in the name and on behalf of the company in writing signed by any person acting under the express or implied authority of the company.

- (3.) Any contract which if made between private persons would by law be valid although made by parol only and not reduced into writing may be made varied or discharged by parol in the name and on behalf of the company by any person acting under the express or implied authority of the company.
- “And all contracts made according to the provisions herein contained shall be effectual in law and shall be binding upon the company and their successors and all other parties thereto their heirs executors or administrators as the case may be.”

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not agree to the following amendment in the new Clause G :—

Omit all words from “inserting” to “business,” both inclusive, and insert instead thereof the words “forwarding through the post to his address as stated in the memorial hereinbefore mentioned or (if he shall have notified in writing to the manager of the company any other address) to his address so notified a circular and such circular shall be signed by the manager and shall specify the place the day and the hour of meeting and the nature of the business and by advertising the same in not less than two newspapers one to be published in the neighborhood of the operations of the company and the other in Melbourne.”

Question—That the Council do not agree to the amendment—put and passed.

The Honorable T. H. Fellows moved, That the Council do agree to the following amendment made by the Legislative Assembly in the new Clause O :—

Omit “forfeiture” before “and relinquishment;” add to end of clause “the memorial shall be *prima facie* evidence that the persons therein named are members of the company.”

Question—put and passed.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council the Bill intituled “*An Act to make undivided Real Estate distributable amongst next of Kin and to provide for the Administration of the Estates of Deceased Persons in certain Cases,*” in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 31st May, 1864.

FRANS. MURPHY,
Speaker.

INTESTATES REAL ESTATE BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

MESSAGES TO THE LEGISLATIVE ASSEMBLY.—Ordered—That Messages be sent to the Legislative Assembly to acquaint them that the Council have agreed with the Legislative Assembly in making the amendments recommended by His Excellency the Governor in the Real Property Act Amendment Bill, and that the Council have agreed to some of the amendments, and have disagreed with one amendment made by the Legislative Assembly on an amendment made by the Council in the Limited Liabilities Companies Bill.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to provide for the Establishment of a Court to settle Boundaries of Mining Claims,*” in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 31st May, 1864.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to amend the Law relating to the Administration of Justice on the Gold Fields,*” in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 31st May, 1864.

FRANS. MURPHY,
Speaker.

MINING BOUNDARIES BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Amendment moved by the Honorable A. Fraser, That the word "to-morrow" be omitted, with a view to insert the words "this day fortnight" instead thereof.

Debate ensued.

Question—That the word "to-morrow," proposed to be omitted, stand part of the question—put and negatived.

Question—That the words "this day fortnight," proposed to be inserted, be so inserted—put and passed.

Question—That the Bill be now read a first time, printed, and read a second time this day fortnight—put and passed.

Bill read a first time.

GOLD FIELDS ADMINISTRATION OF JUSTICE LAW AMENDMENT BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Amendment moved by the Honorable T. H. Fellows, That the word "to-morrow" be omitted, with a view to insert the words "this day fortnight" instead thereof.

Debate ensued.

Question—That the word "to-morrow," proposed to be omitted, stand part of the question put.

Council divided.

Contents, 7.	Not Contents, 7.
The Hon. G. W. Cole	The Hon. C. J. Jenner
M. Hervey	F. Robertson
J. P. Bear	J. D. Pinnock
R. Turnbull	T. H. Fellows
Dr. Wilkie	A. Fraser
Dr. Hope	W. Degraives
T. T. a'Beckett (<i>Teller</i>).	W. Taylor (<i>Teller</i>).

The President declared that he gave his voice with the Not Contents.

The question was therefore negatived.

Question—That the words "this day fortnight," proposed to be inserted, be so inserted—put and passed.

Question—That the Bill be now read a first time, printed, and read a second time this day fortnight—put and passed.

Bill read a first time.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly:—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Law relating to Dogs*," and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made therein by the Legislative Council and have disagreed to others of the amendments, in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 31st May, 1864.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill intituled "*An Act to limit the Liability of Mining Companies*," and acquaint the Legislative Council that the Legislative Assembly do not insist upon their amendment in Clause G, and that they agree with the Council in the insertion of such clause.

Legislative Assembly Chamber,
Melbourne, 31st May, 1864.

FRANS. MURPHY,
Speaker.

DOG ACT AMENDMENT BILL.—The amendments made by the Legislative Council in this Bill, and disagreed with by the Legislative Assembly, were read at the Table by the Clerk as follows:—

Clause 4, line 1, leave out "on or before the first day of August in the year of our Lord One thousand eight hundred and sixty-four and thereafter within fifteen days from and after the first day of January."

line 11, leave out "or send."

line 4, (p. 2), after "force" insert "for twelve months."

line 4, leave out "until the thirty-first day of December then next ensuing."

line 5, leave out "and when a registration shall be made after the first day of July in any year one-half only of the fee mentioned in the second schedule shall be payable in respect of such registration."

Clause 6, line 4, leave out "or send."

Clause 9, line 2, leave out "and after the expiration of fifteen days from the first day of January in each and every year thereafter."

„ line 6, leave out "before the thirty-first day of December next following" and insert "within twelve months from."

Clause 13, line 2, leave out "whereby the life or limbs of any person shall be endangered or any property shall be injured."

After clause 15 insert new clause B.—

B. "Any person found offending against this Act may be apprehended and taken before a justice by any person without any other warrant or authority than this Act."

Third schedule, line 2, leave out "year ending" and insert "twelve months commencing."

Fourth schedule, line 2, leave out "year ending" and insert "twelve months commencing."

The Honorable M. Hervey moved, That the Council do not insist on the above amendments.

Question—put and passed.

Ordered—that a Message be sent to the Legislative Assembly, to acquaint them that the Council do not insist on the amendments with which the Legislative Assembly have disagreed.

INTESTATE ESTATES BILL.—The Honorable M. Hervey moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same without amendment.

The Honorable M. Hervey moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified the the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to make Undevised Real Estate distributable amongst next of Kin and to provide for the Administration of the Estates of Deceased Persons in certain Cases.*"

Question—put and passed.

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

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Law relating to the Pensions of Responsible Officers,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made therein by the Legislative Council, and have disagreed to one of such amendments.

Legislative Assembly Chamber,
Melbourne, 31st May, 1864.

FRANS. MURPHY,
Speaker.

PENSIONS BILL.—The Honorable M. Hervey moved, That the Council do not insist on the amendment in this Bill with which the Legislative Assembly have disagreed.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council do not insist on the amendment.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to apply a Sum out of the Consolidated Revenue to the Service of the Year One thousand eight hundred and sixty-four and to appropriate the Supplies granted in this Session of Parliament and for other Purposes,*" in which the Legislative Assembly desire the concurrence of the Legislative Council.

Legislative Council Chamber,
Melbourne, 31st May, 1864.

FRANS MURPHY,
Speaker.

APPROPRIATION BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable M. Hervey moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That this Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same without amendment.

The Honorable M. Hervey moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the Bill as certified was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time, and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to apply a Sum out of the Consolidated Revenue to the Service of the Year One thousand eight hundred and sixty-four and to appropriate the Supplies granted in this Session of Parliament and for other Purposes.*"

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the Bill without amendment.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate and amend the Laws relating to the Licensing of Public Houses and the Sale of Fermented and Spirituous Liquors,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made therein by the Legislative Council, and have disagreed to others of the amendments, and have agreed to one amendment with an amendment, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 31st May, 1864.

PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—The Honorable M. Hervey moved, That the Council do not insist on the amendments disagreed with in this Bill by the Legislative Assembly, and agree to the amendment made by the Legislative Assembly on an amendment made by the Legislative Council in the Bill.

Question—put and passed.

Ordered—That a Message be taken to the Legislative Assembly, to acquaint them that the Council do not insist on the amendments with which the Legislative Assembly have disagreed, and have agreed to the amendment made by the Legislative Assembly on the amendment made by the Legislative Council.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to consolidate the Law relating to Crimes and the Practice in Criminal Courts,*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 31st May, 1864.

CRIMINAL LAW AND PRACTICE CONSOLIDATION BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported, that the Committee had gone through the Bill, and had agreed to the same without amendment.

The Honorable M. Hervey moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to consolidate the Law relating to Crimes and the Practice in Criminal Courts.*"

Question—put and passed.

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

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT.

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate and amend the Law relating to the Post Office,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made therein by the Legislative Council, and have disagreed to others of the amendments, have agreed to one with an amendment, and have made a consequential amendment, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 31st May, 1864.

POST OFFICE LAW CONSOLIDATION AND AMENDMENT BILL.—The Honorable M. Hervey moved, That the Council do not insist on the amendments with which the Legislative Assembly have disagreed, and do agree to the amendment made by the Legislative Assembly on the amendment made by the Legislative Council, and do agree to the consequential amendment made by the Legislative Assembly.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, acquainting them that the Council do not insist on the amendments disagreed with by the Legislative Assembly, and have agreed to the amendment and to the consequential amendment made by the Legislative Assembly.

The Council adjourned at ten minutes past twelve o'clock until four o'clock on Wednesday, the 1st June.

ORDERS OF THE DAY.

THURSDAY, 2ND JUNE, 1864.

1. COUNTY COURTS ADMINISTRATION BILL.—To be read a second time.

TUESDAY, 14TH JUNE.

1. MINING BOUNDARIES BILL—To be read a second time.
2. GOLD FIELDS ADMINISTRATION OF JUSTICE LAW AMENDMENT BILL—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
 OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 1ST JUNE, 1864.

The Council met in accordance with adjournment.—The President took the Chair.
 The President read the Prayer.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending amendments in the Bill intituled "*An Act to consolidate and amend the Laws relating to the Licensing of Public Houses and the Sale of Fermented and Spirituous Liquors,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments recommended by His Excellency the Governor, and request the concurrence of the Legislative Council therein.

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chamber,
 Melbourne, 1st June, 1864.

C. H. DARLING,
 Governor.

Message No.

In pursuance of the 36th Section of The Constitution Act, the Governor transmits to the Legislative Assembly the following amendments, which he recommends to be made in the Bill intituled "*An Act to consolidate and amend the Laws relating to the Licensing of Public Houses and the Sale of Fermented and Spirituous Liquors,*" presented to him for Her Majesty's assent :—

Correct the numbers of the Clauses set forth in Section 1.

Fourth Schedule—Form of Grocer's License—line 11, strike out the words "and so that no wine ale porter cider or perry shall be sold or disposed of earlier than eight o'clock in the morning or later than six o'clock in the afternoon."

Same Schedule, last line, signature, after "receiver of revenue" insert the words "or town clerk or treasurer of shire or borough."

Fifth Schedule, last line, signature, after "receiver of revenue" insert the words "or town clerk or treasurer of borough."

Tenth Schedule, strike out the form of notice of application for a temporary license.

Government Offices,
 Melbourne, 1st June, 1864.

PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—The amendments recommended by His Excellency the Governor in this Bill were read at the table by the Clerk.

The Honorable M. Hervey moved, That the Council do agree with the Assembly in making the amendments recommended by His Excellency the Governor in this Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council have agreed to the amendments.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending amendments in the Bill intituled "*An Act to make Undevised Real Estate distributable amongst next of Kin and to provide for the Administration of the Estates of Deceased Persons in certain Cases,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments recommended by His Excellency the Governor, and request the concurrence of the Legislative Council therein.

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chamber,
 Melbourne, 1st June, 1864.

C. H. DARLING,

Governor.

Message No.

In pursuance of the 36th Section of The Constitution Act, the Governor transmits to the Legislative Assembly the following amendments, which he recommends to be made in the Bill intituled "*An Act to make Undevised Real Estate distributable amongst next of Kin and to provide for the Administration of the Estates of Deceased Persons in certain Cases,*" presented to him for Her Majesty's assent:—

Clause 30, line 2, omit "at such times."

Clause 35, add to the end of the Clause the words following:—"and the Commissioners may from time to time refer the whole or any part of the accounts of any such estate to the Master-in-Equity or to the Prothonotary of the Supreme Court who are hereby respectively authorized and required to examine and report upon the same for the information of the Commissioners."

Government Offices,

Melbourne, 1st June, 1864.

INTESTATE REAL ESTATES BILL.—The amendments recommended by His Excellency the Governor in this Bill were read at the table by the Clerk.

The Honorable M. Hervey moved, That the House do agree with the Legislative Assembly in making the amendments recommended by His Excellency the Governor in the Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, acquainting them that the Council have concurred with the Assembly in making the amendments.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly:—

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they still insist on their disagreements to and amendments on the amendments of the Legislative Council in the Bill intituled "*An Act to consolidate the Law relating to Justices of the Peace and Courts of General and Petty Sessions,*" for the following reasons, viz.:—

The most important of the alterations of the Legislative Council that have been disagreed to by the Legislative Assembly relate to the jurisdiction of justices of the peace, and if adopted would affect certain existing privileges of the Mayors of Melbourne and Geelong. A Petition was presented to the Legislative Assembly by the Corporation of the City of Melbourne, reminding the House that an understanding had been come to upon the introduction of this and other Consolidating Bills, that no changes in the law that were likely to occasion discussion or difference of opinion would be made by these Bills.

An alteration of the numbers of the clauses, especially in the earlier part of the Bill, would cause inconvenience by rendering it necessary to make several consequential alterations in the schedules. Moreover, one of the clauses of this Bill, the 28th, is referred to by its present number in the Gaols Bill already passed.

Under these circumstances, and without expressing an opinion unfavorable to the amendments of the Council on their merits, the Legislative Assembly have thought it necessary to disagree with some of those amendments, and have made the consequential amendments.

FRANS. MURPHY,

Speaker.

Legislative Assembly Chamber,

1st June, 1864.

JUSTICES LAWS CONSOLIDATION BILL.—The Honorable W. H. F. Mitchell moved, That the Council do still insist on the amendments in the Bill, as already communicated to the Legislative Assembly.

The Honorable M. Hervey moved, That the word "not" be inserted before the word "still."

Debate ensued.

Question—That the word proposed to be inserted be so inserted—put and negatived.

Question—That the Council do still insist on the amendments in this Bill, as already communicated to the Legislative Assembly—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly with a Message, acquainting them that the Council still insist on their amendments as already communicated.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly:—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending amendments in the Bill intituled "*An Act to consolidate the Law relating to Crimes and the Practice in Criminal Courts,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments recommended by His Excellency the Governor, and request the concurrence of the Legislative Council therein.

FRANS. MURPHY,

Speaker.

Legislative Assembly Chamber,

Melbourne, 1st June, 1864.

C. H. DARLING,
Governor.

Message No.

In pursuance of the 36th Section of The Constitution Act, the Governor transmits to the Legislative Assembly the following amendments, which he recommends to be made in the Bill intituled "*An Act to consolidate the Law relating to Crimes and Criminal Courts,*" presented to him for Her Majesty's assent :—

- Clause 70, line 4, omit "this Act," and insert "the said sections or any of them."
- Clause 71, line 2, before the word "preceding," insert "five next," same line, after the word "sections," insert "or any of them."
- Clause 303, line 2, after the word "against," insert the words "any of the provisions of," in line 3 of same clause before the word "and" insert the words "other than the sixty-sixth and the five sections next following the same."
- Clause 304, line 2, after the words "by virtue of" insert the words "any of the provisions of;" in third line of same clause, after the word "act" insert the words "other than the sixty-sixth and the five sections next following the same."
- Clause 390, line 17, omit the word "of" and insert the word "if."
- Clause 399, line 16, omit the words "shall have" and insert the words "relates has."
- Clause 402, line 3, strike out the word "nineteenth."

Government Offices,
Melbourne, 1st June, 1864.

CRIMINAL LAW AND PRACTICE CONSOLIDATION BILL.—The amendments recommended by His Excellency the Governor in this Bill were read at the table by the Clerk, and on the motion of the Honorable M. Hervey were agreed to.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council have concurred with the Assembly in agreeing to the amendments.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to consolidate the Law relating to the Prevention of Diseases of Animals,*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, June, 1864.

PREVENTION OF DISEASES OF ANIMALS LAWS CONSOLIDATION BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with amendments.

PAPERS.—The Honorable M. Hervey laid on the table the following Paper—

Manufactures and Industries, New.—Regulations for Distribution of Vote.

Ordered to lie on the Table.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they have appointed a Committee of five members to confer with a Committee of the Legislative Council on the amendments made by the Legislative Council in the Bill intituled "*An Act to consolidate the Laws relating to Justices of the Peace and Courts of General and Petty Sessions,*" some of which amendments have been disagreed to, and others of which have been amended by the Legislative Assembly, and request the Legislative Council to appoint a Committee of that House to confer with such Committee of the Legislative Assembly.

FRANS. MURPHY,
Speaker.

Legislative Assembly,
1st June, 1864.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending certain amendments in the Bill intituled "*An Act to limit the Liability of Mining Companies,*" and acquaint them that they have agreed to the same with the following amendments, viz. :—

Omit from the amendments recommended in the last Clause, and in Clause 9 the words "the said memorial," and insert instead thereof the words "in all cases where they are personally present respectively," and request the concurrence of the Legislative Council in such amendments as so amended.

Legislative Assembly Chamber,
Melbourne, 1st June, 1864.

FRANS. MURPHY,
Speaker.

C. H. DARLING,

Governor.

Message No.

In pursuance of the 36th Section of The Constitution Act, the Governor transmits to the Legislative Assembly the following amendments, which he recommends to be made in the Bill intituled "*An Act to limit the Liability of Mining Companies*" presented to him for Her Majesty's assent :—

Clause O, omit the words "the memorial shall be *primâ facie* evidence that the persons therein named are members of the company."

Clause 9, add to the end of the clause the following words "and the said memorial shall be *primâ facie* evidence that the persons therein named are members of the company."

Clause 10, line 9, after the word "mines" insert the words "and the said memorial shall be *primâ facie* evidence that the persons therein named are members of the company."

Government Offices,
Melbourne, 1st June, 1864.

JUSTICES LAWS CONSOLIDATION BILL.—The Honorable M. Hervey moved, That a Committee of five members be appointed to confer with the Committee appointed by the Legislative Assembly on the amendments in this Bill, such Committee to consist of the Honorables T. H. Fellows, J. P. Bear, J. Henty, W. Degraives, and the Mover.

Question—put and passed.

The Honorable M. Hervey moved, That the time and place for the Committees to confer be immediately in the South Committee Room.

Question—put and passed.

LIMITED LIABILITIES BILL.—The amendments recommended by His Excellency the Governor in this Bill were read by the Clerk as amended by the Legislative Assembly.

The Honorable M. Hervey moved, That the Council do agree to the amendments recommended by His Excellency the Governor in this Bill as amended by the Legislative Assembly.

Question—put and passed.

Ordered—that a Message be sent to the Legislative Assembly, to acquaint them that the Council have agreed to the amendments as amended by the Legislative Assembly.

JUSTICES LAWS CONSOLIDATION BILL.—The Committee appointed to confer with a Committee of the Legislative Assembly retired to confer with the Committee of the Legislative Assembly.

The Committee returned to the Council Chamber.

PREVENTION OF DISEASES OF ANIMALS LAWS CONSOLIDATION BILL.—The Honorable M. Hervey moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the Bill as certified was in accordance with the Bill as reported, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to consolidate the Law relating to the Prevention of Diseases of Animals.*"

Question—put and passed.

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

ROYAL ASSENT TO BILLS.—The President announced that he had received a communication from His Excellency the Governor, announcing that it is His Excellency's intention to proceed to the Legislative Council Chamber at half-past four o'clock, to give the Royal assent to certain Bills.

ADJOURNMENT.—The Honorable M. Hervey moved, That the House, at its rising this day, adjourn until three o'clock to-morrow.
Question—put and passed.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate the Law relating to the Prevention of Diseases of Animals,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council and have made consequential amendments, in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 1st June, 1864.

FRANS. MURPHY,
Speaker.

PREVENTION OF DISEASES OF ANIMALS LAWS CONSOLIDATION BILL.—The consequential amendments made by the Legislative Assembly in this Bill were read at the table by the Clerk, and are as follows :—

- Clause 1, line 8, omit "32," insert "34."
 „ 10, omit "33-36," insert "35-38."
 „ 11, omit "37," insert "39."

The Honorable M. Hervey moved, That the Council do agree with the Legislative Assembly in making these consequential amendments.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council have agreed to the amendments.

The Council adjourned at a quarter past eight o'clock until three o'clock on Thursday, the 2nd June.

ORDERS OF THE DAY.

THURSDAY, 2ND JUNE, 1864.

1. COUNTY COURTS ADMINISTRATION BILL.—To be read a second time.

TUESDAY, 14TH JUNE.

1. MINING BOUNDARIES BILL.—To be read a second time.
 2. GOLD FIELDS ADMINISTRATION OF JUSTICE LAW AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
 OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 2ND JUNE, 1864.

The Council met in accordance with adjournment.—The President took the Chair.

The President read the Prayer.

ADJOURNMENT.—The Honorable M. Hervey moved, That the House do now adjourn until half-past four o'clock.

Question—put and passed.

The President left the Chair.

The President resumed the Chair at half-past four o'clock.

PAPERS.—The Honorable M. Hervey laid on the table the following Papers :—

Victorian Railways—Report of Board of Land and Works for Year ending 31st December, 1862.

Victorian Railways—Report of Board of Land and Works for Year ending 31st December, 1863.

Ordered severally to lie on the table.

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

ROYAL ASSENT TO BILLS AND RESERVATION OF BILLS FOR THE SIGNIFICATION OF HER MAJESTY'S PLEASURE THEREON.—His Excellency the Governor came into the Council Chamber, and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber ; who being come with their Speaker, Mr. Speaker delivered the Appropriation Bill to the Clerk, who brought it to the table.

His Excellency was then pleased to assent, in the name of Her Majesty the Queen, to the following Bills :—

- “ An Act to apply a Sum out of the Consolidated Revenue to the Service of the Year One thousand eight hundred and sixty-four and to appropriate the Supplies granted in this Session of Parliament and for other Purposes.”
- “ An Act to Consolidate the Laws relating to the preventing the Printing and Publishing of Books and Papers by Persons not known and to the Printing and Publishing of Newspapers.”
- “ An Act to Consolidate Acts now in force in Victoria relating to Real Property.”
- “ An Act for conferring certain Powers on the Australian Mutual Provident Society.”
- “ An Act to amend the Law relating to Weights and Measures.”
- “ An Act for the amendment of the Law relating to Neglected and Criminal Children.”
- “ An Act to Consolidate the Law relating to Licensed Carriages.”
- “ An Act to Consolidate the Law relating to Gaols.”
- “ An Act for Hospitals and Charitable Institutions.”
- “ An Act to amend the Law relating to the Fraudulent Marking of Merchandise.”
- “ An Act to Consolidate the Laws relating to Wills.”
- “ An Act to further amend the Real Property Act and for other Purposes.”
- “ An Act to facilitate the Drainage of Land for Agricultural and other Purposes.”
- “ An Act to Consolidate the Law relating to the Management of Towns and other Populous Places and for the suppression of various Offences.”
- “ An Act to Consolidate and amend the Law relating to the Post Office.”
- “ An Act to Consolidate and amend the Laws relating to the Licensing of Public Houses and the Sale of Fermented and Spirituous Liquors.”
- “ An Act to limit the Liability of Mining Companies.”
- “ An Act to amend the Law relating to Dogs.”
- “ An Act to make Undivided Real Estate distributable amongst next of Kin and to provide for the Administration of the Estates of Deceased Persons in certain Cases.”

“*An Act to Consolidate and amend the Law relating to the Prevention of Diseases of Animals.*”

“*An Act to provide for the Regulation and Discipline of the Paid Naval and Military Forces in the Service of Her Majesty's Local Government in Victoria.*”

“*An Act to Consolidate the Law relating to Crimes and the Practice in Criminal Courts.*”

The Royal Assent being severally read by the Clerk of the Parliaments in the following words :—

“In the name and on behalf of Her Majesty, I assent to this Act.”

C. H. DARLING,
Governor.

His Excellency was then pleased to reserve the following Bills for the signification of Her Majesty's pleasure thereon :—

“*An Act to amend the Law relating to the Pensions of Responsible Officers.*”

“*An Act to Consolidate the Laws relating to Marriage and to Deserted Wives and Children and to Divorce and Matrimonial Causes.*”

The Clerk of the Parliaments delivered to Mr. Speaker schedules of the Acts assented to and the Bills reserved.

His Excellency was then pleased to speak as follows :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I congratulate you upon the large amount of practical legislation accomplished by you in the unusually short Session of Parliament which ends to day.

The diligence and absence of party strife, which have marked your deliberations, have enabled you to mature various measures of great usefulness.

The provision you have wisely made for the care and reformation of deserted and criminal children will remove a reproach from our criminal jurisprudence, and will supply one of the most pressing wants in our social economy.

Facilities have been provided for the safe employment of capital in commercial and mining enterprises by the Companies Statute and by the Act limiting the liability of incorporated mining partnerships, while the frauds of unprincipled traders, and the consequent injury to public health and morals will be restrained by the Act for the punishment of the fraudulent use of trade marks.

The greater part of the Statute Law of the colony has been reduced in bulk and arranged in order by the Consolidation Acts which have been already passed. These measures will, I trust, conduce to a more general and perfect knowledge of the law, while at the same time its administration will be rendered more easy and sure.

I regret that you have been unable to discover means for the settlement of the questions relating to the public lands, on a basis satisfactory to both branches of the Legislature, and that the necessary amendment of the laws relating to this subject and to mining must remain for the consideration of another Parliament.

The deep feeling of injury which has been stirred up in the public mind by the transportation of criminals from Great Britain to Australia has deservedly received your earnest consideration. Although it is satisfactory to have learned that the recommendation of the Royal Commission has not been adopted, it is felt by my advisers, that a stigma rests upon every Australian Colony, and its people, so long as transportation to any part of this Continent is maintained. I trust that the constitutional means which you have taken to remove this just cause of complaint will prove effectual.

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I thank you, in Her Majesty's name, for the liberal provision you have made for the requirements of the public service. I am glad that you have been enabled to provide for certain important public works without increasing taxation, and without extending the indebtedness of the country.

HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL, AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

It is the desire of my advisers that the General Elections shall take place in sufficient time to allow of the financial arrangements of next year being submitted to Parliament before the end of this.

In Her Majesty's name, I declare this Parliament to be prorogued to Friday, the first day of July next, and it is hereby prorogued accordingly.

(Signed) C. H. DARLING,
Governor.

Which being concluded, a copy of the speech was delivered to the President of the Council, and to Mr. Speaker, and the Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

SELECT COMMITTEES

APPOINTED DURING THE SESSION 1864.

No. 1.—ADDRESS IN REPLY TO GOVERNOR'S SPEECH.

The Hon. M. Hervey	The Hon. J. D. Pinnock
T. H. Power	R. Turnbull (<i>Mover</i>).
J. P. Bear	

No. 2.—ELECTIONS AND QUALIFICATIONS.

Appointed (by Warrant of the President) 26th January, 1864.

The Hon. T. T. a'Beckett	The Hon. M. Hervey
J. P. Bear	J. D. Pinnock
J. P. Fawkner	J. F. Strachan.
T. H. Fellows	

No. 3.—LIBRARY (JOINT).

Appointed 27th January, 1864.

The Hon. The President	The Hon. J. P. Fawkner
W. H. F. Mitchell	Dr. Wilkie.
W. Hull	

No. 4.—PRINTING.

Appointed 27th January, 1864.

The Hon. T. H. Power	The Hon. W. Hull
C. J. Jenner	A. Fraser
D. Kennedy	Dr. Hope.*

* Appointed 19th April, 1864, *vice* Hon. D. Kennedy, deceased.

No. 5.—REFRESHMENT ROOMS (JOINT).

Appointed 27th January, 1864.

The Hon. W. Highett	The Hon. R. Turnbull
S. G. Henty	W. Degraves.
J. McCrae	

No. 6.—PARLIAMENT BUILDINGS (JOINT).

Appointed 27th January, 1864.

The Hon. J. P. Bear	The Hon. H. Miller
J. D. Pinnock	W. Campbell.
J. Henty	

No. 7.—STANDING ORDERS.

Appointed 27th January, 1864.

The Hon. The President	The Hon. J. F. Strachan
T. H. Fellows	G. W. Cole.
T. T. a'Beckett	

No. 8.—BIRTH OF SON OF PRINCE OF WALES.—TO PREPARE ADDRESS TO THE QUEEN.

Appointed 17th March, 1864; reported same day.

The Hon. S. G. Henty	The Hon. W. Campbell
J. P. Bear	M. Hervey (<i>Mover</i>).
J. D. Pinnock	

No. 9.—JUSTICES LAWS CONSOLIDATION BILL.

(To confer with a Committee appointed by the Legislative Assembly.)

The Hon. T. H. Fellows	The Hon. W. Degraves
J. P. Bear	M. Hervey (<i>Mover</i>).
J. Henty	

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1864.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

THURSDAY, 19TH MAY, 1864.

1. PAID NAVAL AND MILITARY FORCES BILL.—Clause—1. This Act shall be called and may be cited as “*The Paid Naval and Military Force Act 1864.*”

Motion made and question put—That the Chairman do leave the chair.

Committee divided.

Contents, 11.
The Hon. J. P. Bear
T. H. Fellows
H. Miller
J. D. Pinnock
F. Robertson
W. Campbell
W. Degraives
R. Turnbull
A. Fraser
J. P. Fawkner
W. H. F. Mitchell (*Teller*).

Not Contents, 8.
The Hon. The President
J. Henty
W. Hull
M. Hervey
W. Taylor
W. Highett
Dr. Wilkie
J. McCrae (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1864.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

MONDAY 23RD MAY, 1864.

No. 1.—PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—Clause 1.—This Act shall be called and may be cited as "*The Wines Beer and Spirits Sale Statute 1864*" and the sections thereof are arranged in Parts as follow—

PART I.—Various Licenses and Registrations and Fees payable thereon ss. 4 to 16.

PART II.—Conditions of obtaining Licenses ss. 17 to 21.

PART III.—Hearing of and objections to Applications ss. 22 to 27.

PART IV.—Rehearing of Applications and Renewals of Licenses ss. 28 to 34.

PART V.—Transfer and Removal of Licenses ss. 35 to 43.

PART VI.—Duties and Liabilities of Licensees and others ss. 44 to 68.

PART VII.—Application of Fees and Penalties s. 69.

Motion made and question put—That the Chairman report progress and ask leave to sit again.—(*Hon. J. P. Fawkner.*)

Committee divided.

Contents, 6.
The Hon. J. McCrae
W. Hull
H. Miller
F. Robertson
J. P. Fawkner
C. J. Jenner (*Teller.*)

Not Contents, 12.
The Hon. M. Hervey
W. Campbell
J. Henty
S. G. Henty
W. Degraives
G. W. Cole
J. D. Pinnock
W. Highett
A. Fraser
R. Turnbull
T. H. Fellows
T. T. a'Beckett (*Teller.*)

No. 2.—PUBLICANS ACT CONSOLIDATION AND AMENDMENT BILL.—Clause 7.—A grocer's license shall authorise the licensee being also a spirit merchant to sell and dispose of liquor in bottles containing not less than a pint and in quantities not exceeding two gallons to be taken away in any one day by any one person and not to be drunk in or near the house or premises in which such liquor is sold.

Motion made—That the word “liquor” in the second line of the above clause be struck out, with a view to insert the following words, “wine ale porter cider or perry.”—
(*Hon. J. P. Fawkner.*)

Question—That the word proposed to be omitted stand part of the Bill—put.
Committee divided.

Contents, 8.
The Hon. M. Hervey
G. W. Cole
W. Highett
J. D. Pinnock
Dr. Wilkie
F. Robertson
J. P. Bear
R. Turnbull (*Teller*).

Not Contents, 13.
The Hon. The President
W. Campbell
J. Henty
T. H. Fellows
W. Degraives
W. H. F. Mitchell
C. J. Jenner
J. McCrae
A. Fraser
H. Miller
J. P. Fawkner
W. Hull
T. T. a'Beckett (*Teller*).

WEDNESDAY, 25TH MAY, 1864.

No. 3.—PAID NAVAL AND MILITARY FORCES BILL.—Clause 1.—This Act shall be called and may be cited as “*The Paid Naval and Military Force Act 1864.*”

Motion made—That the words “and military” in the second line of the above clause be omitted.—(*Hon. W. H. F. Mitchell.*)

Question—That the words proposed to be omitted stand part of the Bill—put.
Committee divided.

Contents, 11.
The Hon. G. W. Cole
T. T. a'Beckett
J. McCrae
The President
S. G. Henty
W. Highett
W. Taylor
F. Robertson
J. P. Bear
M. Hervey
J. Henty (*Teller*).

Not Contents, 7.
The Hon. J. D. Pinnock
W. H. F. Mitchell
H. Miller
W. Degraives
J. P. Fawkner
A. Fraser
W. Campbell (*Teller*).

THURSDAY, 26TH MAY, 1864.

No. 4.—PUBLICANS ACT CONSOLIDATION AND AMENDMENT BILL.—Proposed New Clause.—It shall not be lawful for the holder of any license under this Act to have or keep in or upon his licensed premises or in any place having any connection whatsoever with such licensed premises any dancing saloon casino or any other entertainment of a like kind Provided that it shall be lawful for two or more justices sitting in petty sessions to grant permission to any holder of the aforesaid license to use his licensed premises for any lawful amusement of a temporary nature for any period not exceeding three days at one time and any person offending against the provisions of this Act shall on conviction be liable to a penalty of not more than fifty pounds and such reasonable costs as such justices shall or may award.

Motion made and question put—That the above clause stand part of the Bill.—(*Hon. J. P. Fawkner.*)

Committee divided.

Contents, 5.
The Hon. W. Highett
C. J. Jenner
J. McCrae
J. P. Fawkner
J. P. Bear (*Teller*).

Not Contents, 10.
The Hon. M. Hervey
W. H. F. Mitchell
F. Robertson
A. Fraser
W. Campbell
G. W. Cole
S. G. Henty
H. Miller
W. Degraives
T. H. Fellows (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1864.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

MONDAY, 30TH MAY, 1864.

No. 1.—PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL—Clause 9.—A beer license shall authorise the licensee to sell and dispose of not earlier than six o'clock in the morning nor later than eight o'clock in the evening any ale or beer to be drunk in the house or on the premises described in such license except in the city of Melbourne or town of Geelong or in any borough and if the premises described in such license be subsequently to the granting of such license brought within any borough such license shall expire at the end of the then current year “Provided that upon the application by the council of any borough the Governor in Council may by proclamation in the *Government Gazette* declare the whole or any part of such borough a district wherein beer licenses may be granted and may on a like application revoke any such proclamation.”

Motion made—That the words “Provided that upon the application by the council of any borough the Governor in Council may by proclamation in the *Government Gazette* declare the whole or any part of such borough a district wherein beer licenses may be granted and may on a like application revoke any such proclamation” occurring in the seventh line of the above clause be struck out.—(*Hon. J. P. Fawcner.*)

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

Contents, 6.
The Hon. B. Williams
W. Hull
C. J. Jenner;
W. Highett
J. McCrae
J. P. Fawcner (*Teller*).

Not Contents, 14.
The Hon. T. H. Fellows
R. Turnbull
A. Fraser
M. Hervey
J. P. Bear
W. Taylor
W. Campbell
J. D. Pinnock
Dr. Wilkie
W. H. F. Mitchell
W. Degraes
F. Robertson
G. W. Cole
T. T. a'Beckett (*Teller*).

No. 2.—PUBLICANS ACTS CONSOLIDATION AND AMENDMENT BILL.—Proposed New Clause.—

It shall not be lawful for the holder of any license under this Act to have or keep in or upon his licensed premises or in any place having any connection whatsoever with such licensed premises any dancing saloon casino or any other entertainment of a like kind Provided that it shall be lawful for two or more justices sitting in petty sessions to grant permission to any holder of the aforesaid license to use his licensed premises for any lawful amusement of a temporary nature for any period not exceeding three days at one time and any person offending against the provisions of this Act shall on conviction be liable to a penalty of not more than fifty pounds and such reasonable costs as such justices shall or may award.

Motion made and question put—That the above clause stand part of the Bill (*Hon. J. P. Fawkner.*)

Committee divided.

Contents, 8.
 The Hon. B. Williams
 C. J. Jenner
 W. Hull
 J. P. Bear
 W. Highett
 J. McCrae
 W. Taylor
 J. P. Fawkner (*Teller*).

Not Contents, 8.
 The Hon. G. W. Cole
 M. Hervey
 R. Turnbull
 W. H. F. Mitchell
 A. Fraser
 F. Robertson
 Dr. Wilkie
 T. H. Fellows (*Teller*).

The Tellers having declared the "Contents" and the "Not Contents" to be equal in number, the Chairman gave his casting vote with the "Not Contents."

1864.
—
VICTORIA.

BOARD OF EDUCATION.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HON. W. H. F. MITCHELL.—2ND FEBRUARY, 1864.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 16TH FEBRUARY, 1864,
AND ORDERED BY THE COUNCIL TO BE PRINTED 3RD MARCH, 1864.

By Authority:
JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

SCHEDULE OF CORRESPONDENCE.

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No. 1.—Secretary Board of Education to the Honorable the Chief Secretary (2nd June, 1863)	3
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3.—Under-Secretary to Members of the Board, returning the Rules, &c., for re-consideration (7th October, 1863)	4
4.—Secretary Board of Education to the Honorable the Chief Secretary, forwarding letter from the Board in reply (19th October, 1863)	4
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CORRESPONDENCE.

Govt. 63 | 71.

Education Office,
Melbourne, 2nd June, 1863.

SIR,

I have the honor, by direction of the Board of Education, to inform you that they expect to be able to forward their Rules and Regulations for the approval of the Governor in Council not later than the 9th instant.

The Honorable the Chief Secretary.

I have, &c.,
(Signed) B. F. KANE,
Secretary.

Govt. 63 | 71.

Education Office,
Melbourne, 9th June, 1863.

SIR,

In forwarding, for the sanction of His Excellency the Governor, the proposed Rules and Regulations made in accordance with the provisions of the *Common Schools Act*, I am directed by the Board of Education to submit the following observations:—

It appears to them that three principles are mainly embodied in that Act.

1. The securing in all schools receiving Government aid, two hours before noon and two after noon for secular instruction alone.
2. The doing away, under certain conditions, with schools not having a certain average attendance.
3. The conferring on local committees large powers in the appointment and dismissal of teachers, subject however to a controlling power on the part of the Board, who in extreme cases are empowered to dismiss such committees and appoint others in their place.

Subject to these general provisions, the control of the whole system is vested in the Board of Education with the approval of His Excellency in Council, and their duties and powers are enumerated under the following heads:—

- The Distribution of Public Money.
- The Inspector of Schools.
- The Examination and Classification of Teachers.
- Course of Secular Instruction.
- Fixing School Fees.

In drawing up the Rules and Regulations submitted for the approval of His Excellency, the Board have followed the above order and division of subjects.

The first of these, namely, The distribution of public money, involves the important consideration as to the manner in which aid should be afforded to the different schools in connection with the Board. In dealing with this subject, the Board could not ignore what had been going on in England for the last few years, nor could they be insensible to the defects of the old system, nor to what at least theoretically seem the advantages of the system known as that of payment by results, under which an attempt is made to measure the payment of the teacher by the effect produced on the scholars; in other words, that the rate of payment should bear a proportion to the work done.

It had been shown that, at least in England, there was a necessity for some change being made; for that, under the old system, the great bulk of the children in the public schools were so little instructed in the rudiments of education, that only an average of one out of four were able to read intelligently the simplest compositions.

It was indeed urged that the system of results could afford no true criterion as to the pains taken by the teacher in the case of any particular child, inasmuch as it requires more labor to make a dull inattentive child read even badly than to make a smart intelligent one read well; but the Board felt that the system must necessarily be one of averages and that, out of every 100 boys taken from populations of a similar character, there would generally be a per centage of dull inattentive children, and another of clever intelligent ones, which would not vary very much in different cases. Being thus impressed with the abstract advantage of such a system, the Board pursued the following course in order to see—

- 1st. Whether the present system was so satisfactory that no change was desirable.
- 2nd. Whether the system of payments by results could be so modified as to become adapted to the circumstances of this country.

With this view a set of easy lessons in reading, writing, and arithmetic were adopted as standards for examination, and also a rate of payment was drawn up, being so much for every child in average attendance at a school and so much for every child who had attended so many times, and also should succeed in passing the standard examinations, both being founded on the English revised code; and the inspectors were directed to examine a large number of schools in order to test the efficiency of the present mode of instruction in these elementary branches and also to ascertain for what per centage of children payments could be claimed for

passing the standard examination and from these elements to report what effect would be produced on the fund applicable to the payment of teachers' salaries by the adoption of that scale of payment.

The result of this protracted inquiry has been to satisfy the Board that it is most desirable that some fresh incentive should be given to the instruction of the lower classes of schools in the rudiments of education, and also to induce them to recommend a partial adoption of the system of payment by results, and, upon the suggestion of the inspectors, they have substituted a new scale for that originally proposed, by which the master's salary is to consist partly of a fixed payment, instead of a capitation payment on the average attendance, while the system of payment by results is only applicable to the remaining portion of the fund out of which his salary is payable. Other changes are also introduced, having for their object the rendering the teachers position more secure.

It was felt from the first that it was very doubtful whether a system founded on payment for average attendance and for results would be applicable to this country where, from the scattered nature of the population, there must be many small schools, and the investigation alluded to has confirmed these doubts and led the Board to fix a minimum of eighty pounds (£80) below which the aid to be granted to any school shall not fall, thus assimilating the Rule of the Board to the practice of the late National Board in similar cases.

The Board desires that these Rules should come into operation on the first of July next.

I have, &c.,
(Signed) B. F. KANE,
Secretary.

The Honorable the Chief Secretary.

Chief Secretary's Office,
Melbourne, 7th October, 1863.

GENTLEMEN,

The Government have had under their careful and anxious consideration the Regulations proposed by the Education Board on the subject of public instruction.

Whilst fully acknowledging the zeal and industry of the Board, the Government, for the reasons following, are necessitated to return the Regulations for re-consideration.

The Legislative Assembly having, as the Government conceive, arrived at a conclusion condemnatory of the system of payment by results, the Government feel that they cannot with propriety give their sanction to any code of regulations which, like those now under consideration, embody the system itself.

Without, therefore, expressing any opinion on the abstract merits of the principle of compensation in question, the Government think that the Legislature should have an opportunity of pronouncing its opinion specifically and directly on the proposed application of that principle, especially as when, in operation, it must so largely influence the interest of public instruction throughout the colony.

I have, &c.,
(Signed) J. MOORE.

The Members of the Board of Education.

Govt. 63 | 149.

Education Office,
Melbourne, 19th October, 1863.

SIR,

I have the honor to forward the enclosed communication from the Commissioners of Education.

I am at the same time to state that Sir James Palmer, the Chairman of the Board, not having been a member of the Board when the Rules and Regulations referred to in the above communication were passed, does not feel called upon to take any part in the present proceeding.

I have, &c.,
(Signed) B. F. KANE,
Secretary.

The Honorable the Chief Secretary.

[ENCLOSURE.]

No. Govt. 63 | 150.

Education Office,
Melbourne, 19th October, 1863.

SIR,

We have the honor to acknowledge the receipt of your letter of the present month (without specific date or number, but received on the 7th instant), in which it is stated that the Government have had under their consideration the Regulations proposed by the Education Board, and that they are necessitated to return such Regulations for re-consideration.

The Commissioners, in reply, beg to draw attention to the fact that their communication of the 9th June last, which accompanied those Regulations, appears to have been altogether overlooked by the Government. This is the more to be regretted, as the result of the zeal and industry of the Board (which the Government in their letter are pleased to recognise) was embodied in that communication. The Commissioners therein declared that the result of their

protracted inquiry had been to satisfy them "that it is most desirable that some *fresh incentive* " should be given to the instructor of the lower classes of schools in the rudiments of education, " and also to induce them to *recommend a partial adoption* of the system of *payments by results*, " and, upon the suggestion of the inspectors, they had substituted a new scale for that originally " proposed, by which the master's salary is to consist partly of a fixed payment instead of a " capitation payment on the average attendance, while the system of payment by results is " only applicable to the remaining portion of the fund out of which his salary is payable."

3. The Commissioners, therefore, being induced thereto both by reason and experience, stand committed to a recognition of the plan thus proposed, and the return of their Regulations for re-consideration, accompanied, it is true, by the language of courtesy, can nevertheless be looked upon by the Commissioners as nothing short in reality of an attempt at dictation to them in their duty of determining a question of first principles.

4. The Commissioners do not consider the Board of Education a Department of the Civil Service subordinate to a ministerial head. They form a corporate body legally empowered to frame such rules and regulations as shall seem to them most fitting for the discharge of the trust reposed in them by the Legislature under the Act by which they are constituted; and so long as the rules, regulations, or bye-laws which they may make do not contravene the written law or involve a gross annual expenditure greater than that which meets the approval of Parliament, they consider that a formal approval of their rules, regulations, and bye-laws should as a matter of course be granted by whatever Government may be in power, and that their conduct from year to year should not be directed or in any way fettered by the Ministry of the hour.

5. The Commissioners, in giving expressions to this view of their corporate independence, do not overlook the power possessed by the Governor in Council to remove any or all of their number if it should be considered good policy so to do, nor do they overlook the power of Parliament to alter the present *Common Schools Act* so as to restrain the action of the Board in future, or indeed to abolish the Board altogether, if it be intended that the control of public instruction should actually be in the hands of the Executive, but so long as the present *Common Schools Act* remains in force and the present Commissioners are permitted to hold their seats, they conceive that they should be protected, rather than otherwise, both by the Ministry and Parliament, in the exercise of that rightful free-agency which is theirs as a corporation.

6. With respect to the proposition of the Government to avoid its responsibility as an Executive by a relegation of the Commissioners' Regulations for the specific and direct opinion of the Legislature, the Commissioners beg most respectfully to state that they cannot be consenting parties to such an arrangement. They are not aware that the Legislative Assembly has at any time, as the Government conceives, arrived at a conclusion condemnatory of the system of partial payment by results; and even admitting that any member or members of the Assembly had, either directly or by implication, expressed an opinion adverse to the principle in question, there is certainly nothing to indicate such a fact within the *Common Schools Act* itself, by which alone the Commissioners have been guided, and besides the large amount of data already secured by the Commissioners in regard to the existing primary instructions in schools warrants them in believing that, if the Parliament and the country possessed the same information, the Commissioners would find themselves amply justified in their course by the thoughtful judgment of the public at large.

7. The Commissioners, in fine, feel that, as men of honor and singleness of purpose for the common good in the course of public instruction, they are committed to the views expressed in their communication to the Government of the 9th June last, as to the proportion of the annual vote to be payable on results; however, they do not feel themselves bound to the exact rates as proposed in Rules 10 to 22, and would be willing to modify these to any extent consistent with the retention of some sufficient stimulus to the teachers to look after every child in their schools, which stimulus has not hitherto been in operation, but which partial payment by results is intended to introduce. With this exception (and with this concession the Commissioners conceive the Government should be fully satisfied) the Board beg most respectfully but firmly to state that to their proposed Rules and Regulations they feel themselves constrained to adhere, leaving it to the Government of the day to say whether it will require the Commissioners' resignations for their maintenance of what in their consciences they believe to be most beneficial for the interests of public instruction, and for upholding what, as a corporate body, they believe to be their inherent right.

We have, &c.,

(Signed)

W. H. ARCHER,
MATTHEW HERVEY,
THEO. JNO. SUMNER,
ISAAC HART.

The Honorable the Chief Secretary.

4459.

Chief Secretary's Office,
19th November, 1863.

SIR,

I have the honor to acknowledge the receipt of your letter enclosing a communication from four members of the Board of Education, viz., Messrs. Archer, Hervey, Sumner, and Hart, both letters bearing date the 19th ult. The reason stated in your letter for Sir James Palmer, the Chairman of the Board, not having taken "any part in the present proceeding"

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does not call for any comment, but upon the enclosed letter of the four Commissioners the Government offer the following observations.

Before referring to the original cause of the correspondence between the Government and the Board, it is necessary to clear away a difficulty which, until disposed of, must embarrass any description of the subject under review. In the fourth paragraph of their letter the writers say that "The Commissioners do not consider the Board of Education a department of the Civil Service, subordinate to a ministerial head; they form a corporate body, legally empowered to frame such rules and regulations as shall seem to them most fitting for the discharge of the trust reposed in them by the Legislature under the Act by which they are constituted, and so long as the rules and regulations or bye-laws which they may make do not contravene the written law, or involve a gross annual expenditure greater than that which meets the approval of Parliament, they consider that a formal approval of their rules, regulations and bye-laws should, as a matter of course, be granted by whatever Government may be in power, and that their conduct from year to year should not be directed, nor in any way fettered by the Ministry of the hour."

In reply to the above extracted passage, the Government feel it necessary to state that they are unable to regard their own duties in connexion with this subject as so merely formal, or the powers of the Board as so large and uncontrollable as the latter, by the language they use, seem to contend for. The eighth section of the *Common Schools Act* provides that "the rules, if approved by the Governor in Council, shall be published." Taking words in their natural sense, it is not easy to understand how the above quoted number of the section can bear any other meaning than this, that the Legislature has contemplated the possibility of the Governor in Council not approving of such rules; that disapprobation, if entertained, is something which may be expressed and acted upon; and that in dealing with such rules, therefore, the Governor in Council, under the express sanction of Parliament, has an important duty to discharge and not an empty form to comply with. The opposite opinion, as urged by the four Commissioners, would involve the absurd consequence following, viz., that the Government being at one and the same time subject to a power paramount in the Board, yet a Government directly responsible to Parliament would be subjected to the necessity of supporting in Parliament and before the country acts of the Board over which the Government would have no control; the entire educational system of the colony would be left in the unfettered hands of those whom that colony could not immediately call to account, and a precedent would be established which would probably prove extremely embarrassing not merely to the present but to any future Government. The Government would also call the attention of the four Commissioners to this further apparent inconsistency in their present pretensions—that whilst it is admitted that the Board is removable by the Government, it is denied that the Government can, under the present circumstances, veto the Board's proceedings. In other words, the Board, which is admitted to be dependent upon every Government for existence, is asserted in the same breath to be superior to every Government in authority.

The Government would therefore find it difficult to reconcile such anomalous positions, even were there any warrant for them in the mere letter of the "written law" to which the Commissioners appeal. That law, however, as the Government have already above intimated, is opposed even in letter to the pretensions of the four Commissioners, and of course (the letter not forbidding) the law must be interpreted and acted upon according to the spirit and according to the apparent intentions of its framers.

The Government, then, being of opinion that the Regulations must receive the intelligent and not the merely formal approval of the Governor in Council, and having as yet received no judicial exposition of the law to the contrary, retain the opinion as already communicated to the Board, that the Rules submitted to the Government ought not to receive their sanction without a further reference to Parliament. The four Commissioners appear to be laboring under some misapprehension in assuming that such reference implies a "proposition by the Government to avoid their responsibility as a Government." On the contrary, on the four Commissioners' own showing, the Government venture on an independent exposition and application of the law for themselves; and, if they are in error, must abide the consequences of their error. The Government would here also further remark that the four Commissioners further err in assuming that their communication of the 9th June last has been "altogether overlooked by the Government." As there did not appear to be anything in the matter of such communication unfamiliar to readers of the current newspaper literature upon the subject, the Government did not see the necessity of discussing principles which, on the question immediately under review, were no further challenged than in their proposed application to this colony. Assuring, therefore, the four Commissioners that that which is not specially observed upon is not necessarily overlooked, the Government now state shortly the grounds for dissenting from the proposed Regulations.

1st. The Legislative Assembly, at the time of passing the *Common Schools Act*, rejected another measure then before the House relating to the same subject, and which specifically proposed to provide compensation to schoolmasters mainly upon the principle commonly known as "payment by results."

2nd. That even in England the principle of payment by results is tentative and experimental only in its application, whilst in this colony we are wholly without experience in the working of such principle.

3rd. That although the principle in question may perhaps be applied in comparative safety in a settled country like England, where regularity of pupil attendance is the rule, but

the indiscriminate application of the same principle may be even mischievous to the interests of education in a country like Victoria, with a population in many parts very unsettled, and frequently shifting from one part of the territory to another, and with a consequent very great irregularity of pupil attendance in many places.

4th. That if education consist, as the Government conceive it should consist, in developing the moral as well as the intellectual nature of youth, the friends of education should most cautiously apply a principle, the natural operation of which may be to subordinate the cultivation of the moral faculties to the cultivation of the intellectual faculties; in which latter, results are so much more easily appreciated and recognised than in the former.

Greatly, however, as the above, amongst other and similar considerations, influence the Government in the resolution they have arrived at in relation to this subject, they are desirous of meeting the views of the Board so far as this can be done without any sacrifice of principle, and without any peril to the public interests, and this would appear to be possible from the statement of the four members of the Board, that "they do not feel themselves bound to the exact rates as proposed in rules 10 to 22," and that "they would be willing to modify these to any extent consistent with the retention of some sufficient stimulus to the teachers to look after every child in their schools." With reference to the above passage, the Government have only to remark, that duly regarding all that should fall within the proper business of education in this colony, they have no objection to the presence of the mere abstract principle of "payment by results," provided that it is subordinated to regulations which shall absolutely secure to masters a just classification and an adequate income, and to the schools that regard for good order and moral discipline which cannot be either secured or ascertained under the system of payment by results, as proposed to be applied by the Commissioners.

The Secretary to the Board of Education.

I have, &c.,
(Signed) J. MOORE,
For the Chief Secretary.

Govt. 63 | 188.

Education Office,
Melbourne, 23rd December, 1863.

SIR,

I have the honor, by desire of the Board of Education, to acknowledge the receipt of your letter of the 19th ulto. (E.B.4459), in which you state the grounds on which the Government dissent from the proposed Regulations of the Board.

Adverting to the last paragraph of the letter signed by four of the Commissioners, enclosed in same of the 19th October (No. 63 | 149), in which they stated that they would be willing to modify that portion of their Rules having reference to "Allowances to Schools" to any extent consistent with the retention of some sufficient stimulus to the teachers to look after every child in their schools, I am instructed to inform you that the Board of Education have revised the portion referred to accordingly; and, by their direction, I now enclose the General Rules and Regulations to be submitted for the approval of His Excellency the Governor in Council, as required by Section VIII of the *Common Schools Act*.

It will be perceived that the minimum salaries are now fixed at £75 for masters, and £60 for mistresses; salaries for the first division of competency at £100 for masters, and £80 for mistresses; and that augmentations are allowed for honors and the higher classifications on a sliding scale according to the average attendance, while the amount payable upon the results of the individual examination of the children is reduced.

I have the honor to be, Sir,
Your obedient Servant,

(Signed) B. F. KANE,
Secretary.

The Honorable the Chief Secretary.

63 | 4808.

Chief Secretary's Office,
Melbourne, 11th January, 1864.

SIR,

I have the honor, by desire of the Chief Secretary, to forward the enclosed corrected Rules for the consideration of the Board of Education. If they be approved, and adopted by the Board, the Rules, as revised, will, I am to state, be submitted by Mr. McCulloch for the approval of the Governor in Council.

I have, &c.
(Signed) J. MOORE.

The Chairman of Board of Education.

Govt. 64 | 228.

Education Office,
Melbourne, 22nd January, 1864.

SIR,

I have the honor to submit the accompanying Rules and Regulations as amended by the Chief Secretary, for the approval of the Governor in Council.

The Commissioners instruct me to say that they have accepted the amendment of the Chief Secretary, which permits Ministers of Religion to act as Schoolmasters and, *e converso*, which allows Schoolmasters to act as Ministers of Religion, because they are unwilling to

interpose any obstruction to the passing of these Rules. They are nevertheless of opinion that such a permission is in contravention of the spirit of the Act, which was presumed to eliminate the Denominational element from the Common Schools of the Colony, rather than to introduce it.

I am also instructed to acquaint you that, on the 13th of November last, the Commissioners of Education issued a Circular No. 63 | 5 (enclosed) which, (among other things) prohibits Ministers of Religion from being Teachers in Common Schools; which it will now become necessary to withdraw, to prevent an apparent antagonism between the Commissioners of Education and the Government.

I have the honor to be,

Sir,
Your obedient servant,
(Signed) J. F. PALMER,

The Honorable the Chief Secretary.

Chairman.

[ENCLOSURE.]

Circular No. 63 | 5.

Education Office,
Melbourne, 13th November, 1863.

SIR,

I have the honor, by desire of the Board of Education, to state, for the information and guidance of local committees of schools receiving aid under the *Common Schools Act*, that the Board will not sanction the appointment of a Minister of Religion as teacher or assistant in a school.

2. The Board also disapprove of teachers preaching or engaging in the conduct of public services or otherwise undertaking the performance of duties which appertain more properly to the office of a Minister of Religion than to that of a Teacher in a public school.

3. As, however, it has been represented to the Board that the immediate enforcement of the above restrictions would be productive of hardships, I am desired to state that the Board will suspend their operation till the commencement of the year 1864, after which time they will be rigidly enforced.

4. I am at the same time to state that the Board disapprove of Teachers in Common Schools taking part in political meetings or interfering in elections of Members of the Legislature, except by voting, as subversive of that neutrality which should characterise their conduct.

I have the honor to be,

Sir,
Your most obedient servant,
(Signed) BENJAMIN F. KANE,
Secretary.

The Correspondent,
Common School No.

Rules and Regulations approved by the Governor in Council.

(Signed)

J. H. KAY,
C. Ex. C.

25th January, 1864.

1864.

VICTORIA.

YAN YEAN WATER SUPPLY.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HONORABLE W. HIGHETT.—2ND FEBRUARY, 1864.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 3RD MARCH, 1864,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 20TH APRIL, 1864.

A RETURN to 31st December, 1863, of all sums of money raised under the Water Works Loan Act or Acts, showing the amount expended in the construction of the Yan Yean; the annual amount of the loan paid off; the sum due and the yearly charge for interest thereon; the yearly expenditure, specifying the purpose and distinguishing the expenses of collection, maintenance, repair, and the cost of new works; the localities to which the works have been extended; the cost of each extension and the source from which defrayed; the revenue received in each year, and the revenue received from the tramway.

WATER WORKS LOAN ACT.

Total amount raised	...	...	...	£	s.	d.	788,430	17	4
Discount since reimbursed	...	...	...				195	0	0
							788,625	17	4
Amount expended	...	...	...				780,638	12	9
[NOTE.—Including £5,337 17s. 11d. advanced to the Geelong Water Commission.]									
Amount paid off—				£	s.	d.			
1857	...	...	...	30,000	0	0			
1858	...	...	...	37,000	0	0			
1859	...	...	...	50,000	0	0			
1860	...	...	...	50,000	0	0			
1861	...	...	...	50,000	0	0			
1862	...	...	...	50,000	0	0			
1863	...	...	...	50,000	0	0			
							317,000	0	0
Amount still due	...	...	...				483,000	0	0
Yearly charge for Interest—									
1864	...	...	...	27,480	0	0			
1865	...	...	...	24,480	0	0			
1866	...	...	...	21,480	0	0			
1867	...	...	...	17,880	0	0			
1868	...	...	...	13,890	0	0			
1869	...	...	...	10,500	0	0			
1870	...	...	...	7,500	0	0			
1871	...	...	...	4,500	0	0			
1872	...	...	...	1,500	0	0			
							129,210	0	0

YEARLY EXPENDITURE.

Year.				£	s.	d.	£	s.	d.	
1853	Construction—Yan Yean Works	...	...	6,579	4	3			
	Sewerage	...	...	1,318	14	11			
	Salaries, &c.	...	...	2,157	17	3			
							10,055	16	5	
1854	Construction—Yan Yean Works	...	...	301,811	17	9			
	Temporary Water Supply	...	...	53,179	12	11			
	Sewerage	...	...	33,882	8	6			
	Salaries, &c.	...	...	3,758	11	2			
							392,632	10	4	
1855	Construction—Yan Yean Works	...	...	122,185	.5	0			
	Sewerage	...	...	2,825	19	9			
	Salaries, &c.	...	...	8,588	18	7			
							133,600	3	4	
1856	Construction—Yan Yean Works	...	...	144,766	0	1			
	Sewerage	...	...	290	14	2			
	Salaries, &c.	...	...	10,782	9	7			
							155,839	3	10	
1857	Construction—Yan Yean Works	...	...	90,587	13	6			
	Salaries, &c.	...	...	10,661	5	9			
							101,248	19	3	
1858	Construction—Yan Yean Works	...	...	40,998	19	9			
	Salaries, &c.	...	...	9,922	6	1			
							50,921	5	10	
	[NOTE.—All expenditure prior to 1859 charged to Construction Account.]									
1859	Construction Account	...	...	34,734	0	5			
	Maintenance Account	...	...	1,636	13	2			
	Departmental Expenses, <i>i.e.</i> Salaries	10,560	17	9						
	" " Sundries	3,477	12	7						
							50,409	3	11	
1860	Construction Account	...	...	24,531	12	4			
	Maintenance Account	...	...	1,437	10	11			
	Departmental Expenses, <i>i.e.</i> Salaries	9,360	8	2						
	" " Sundries	1,851	17	5						
							37,181	8	10	
1861	Construction Account	...	...	2,469	10	5			
	Stock Account	...	...	4,582	17	1			
	Maintenance Account	...	...	2,083	3	7			
	Departmental Expenses, <i>i.e.</i> Salaries	7,441	1	5						
	" " Sundries	598	17	8						
							17,175	10	2	
1862	Construction Account	...	...	5,129	9	9			
	Stock Account	...	...	21,518	5	10			
	Maintenance Account	...	...	1,807	7	10			
	Departmental Expenses, <i>i.e.</i> Salaries	7,294	8	1						
	" " Sundries	350	1	3						
							36,099	12	9	
1863	Construction Account	...	...	33,432	18	7			
	Stock Account	...	...	25,537	6	2			
	Maintenance Account	...	...	2,189	6	4			
	Departmental Expenses, <i>i.e.</i> Salaries	7,700	12	11						
	" " Sundries	447	6	3						
							69,307	10	3	
	Total Yearly Expenditure to 31st December, 1863						£	1,054,471	4	11
	Amount repaid to General Revenue, from Water Supply Receipts						£	60,000	0	0

						£	s.	d.
Cost of Construction of Yan Yean Reservoir, and main pipe track, &c., to 31st December, 1857						748,973	15	1
Reticulation of Melbourne and Suburbs, &c., viz. :—								
Melbourne			Emerald Hill		} ...	157,313	15	10
Fitzroy			Sandridge					
East Collingwood			Prahran					
Hotham			St. Kilda					
Richmond			Flemington					
Brunswick			Pentridge					
NEW WORKS.								
Reservoir at Preston, estimated cost £12,000, amount expended to 31st December, 1863						4,000	0	0
Extension of Supply to Williamstown and Footscray, estimated cost £27,000 (with reticulation), amount expended to 31st December, 1863						18,455	16	3
Defrayed from advances from General Revenue and Receipts from Water Supply						928,743	7	2
TOTAL COST TO 31ST DECEMBER, 1863.								
Construction Account ⁽¹⁾						928,743	7	2
Maintenance Account ⁽²⁾						14,990	4	7
Departmental Expenses ⁽²⁾						31,369	10	11
						975,103	2	8

⁽¹⁾ Including £17,579 11s., cost of purchase of rights and interests of South Yarra Water Works Company.

⁽²⁾ The Expenditure on account of Maintenance and Departmental Expenses prior to 1859, not distinguished; all expenditure prior to that date having been charged to Construction Account.

TOTAL RECEIPTS FROM WATER SUPPLY, ETC.

Year.					£	s.	d.
1854	...	...	...	...	1,666	11	1
1855	...	...	...	...	10,856	3	10
1856	...	...	...	...	10,169	9	8
1857	...	...	...	...	18,513	3	9
1858	...	...	...	...	23,456	10	11
1859	...	...	...	...	27,879	3	10
1860	...	...	...	...	45,716	7	5
1861	...	...	...	...	64,121	0	4
1862	...	...	...	...	46,657	17	5
1863	...	...	...	...	49,705	6	10
					298,741	15	1

TOTAL REVENUE RECEIVED FROM YAN YEAN TRAMWAY.

Rent per Lessee	£250	0	0
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1864.

VICTORIA.

PUBLIC PIERS AND WHARVES.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE G. W. COLE.—17TH FEBRUARY, 1864.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 8TH MARCH, 1864, AND
ORDERED BY THE COUNCIL TO BE PRINTED, 20TH APRIL, 1864.

PUBLIC PIERS AND WHARVES.

1. RETURNS of all Moneys expended on Public Piers or Wharves from the Year 1850 to 1863, both inclusive, distinguishing the amount expended each year on each Pier or Wharf.
2. Similar Returns as to the Repairs thereof.

No. 1.—RETURN of all Moneys expended on Public PIERS or WHARVES from the Year 1850 to

	1850.	1851.	1852.	1853.	1854.	1855. †
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Queen's Wharf, Melbourne	416 10 0	...	2,972 12 10	56,155 3 8	15,747 13 6	...
Australian Wharf, ditto ... ..	...	...	...	...	112,539 0 0	75,221 0 0
Batman's Hill Basin, ditto ... ..	...	...	...	3,961 0 0	15,552 0 0	3,768 0 0
Powder Docks, Footscray and Melbourne	...	...	...	...	...	...
Penal Jetty, Williamstown ... ..	...	...	...	309 1 3	667 13 0	2,765 4 0
Anne Street Jetty, ditto ... ..	...	...	...	19,292 0 0	2,700 0 0	...
Jetty, Sandridge	550 11 0	...	...	1,408 8 4	11,596 14 6	65 5 0
Wharves at Geelong	1,457 16 4	1,542 3 8	1,000 0 0	7,963 14 3	27,038 2 5	3,789 18 11
Jetty, Warrnambool	559 14 4	...	...	1,714 0 0	...	...
Ditto, Portland	205 16 5	...	...	...	...	...
Ditto, Belfast ... ..	...	...	...	...	...	...
Ditto, (Boat) Point Henry ... ..	...	...	...	...	...	...
Ditto, Queenscliff ... ..	...	...	...	...	...	...
Ditto, Snapper Point... ..	...	...	...	...	...	...
Ditto, St. Kilda ... ..	...	...	...	...	...	...
Ditto, Welshpool ... ..	...	...	...	...	...	...
Ditto, Frankston ... ..	...	...	...	...	...	...
Ditto, Portarlington ... ..	...	...	...	...	...	...
Ditto, Sanitary Station, Point Nepean ...	...	...	...	...	...	...
Ditto, Port Albert ... ..	...	...	...	...	...	...
Ditto, near Dromana... ..	...	...	...	...	...	...
Total expenditure each year ...	3,190 8 1	1,542 3 8	3,972 12 10	90,803 7 6	185,841 3 5	85,609 7 11

No. 2.—Similar Returns as to the REPAIRS thereof.

	1850.	1851.	1852.	1853.	1854.	1855.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Wharves, &c., Melbourne
Ditto, Williamstown	260 13 5	139 14 2	196 10 3	...	494 10 3	254 0 0
Jetty, Sandridge
Wharves, Geelong	383 19 6
Jetty, Warrnambool
Ditto, Portland
Ditto, Belfast
Boat Jetty, Point Henry
Jetty, Queenscliff
Ditto, Snapper Point...
Ditto, St. Kilda
Ditto, Welshpool
Ditto, Frankston
Ditto, Portarlington
Ditto, Sanitary Station, Point Nepean
Ditto, Port Albert
	260 13 5	139 14 2	196 10 3	...	494 10 3	637 19 6

1863, both inclusive, distinguishing the Amount expended each Year on each Pier or Wharf.

1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	Total Cost of each Wharf.	
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
...	...	1,919 0 0	...	2,625 9 2	2,630 6 7	...	...	246,945 15 9
...	...	...	...	...	...	...	...	23,281 0 0
...	...	...	1,166 10 6	...	...	...	...	1,166 10 6
1,955 10 7	7,336 11 2	...	...	...	...	...	...	13,034 0 0
32 16 0	4,856 18 10	2,619 2 6	1,415 7 0	...	...	...	...	30,916 4 4
2,303 17 0	6,450 6 8	3,085 15 0	4,791 1 1	2,988 10 9	...	3,487 10 0	...	36,727 19 4	
3,509 9 9	11,671 7 6	1,162 7 9	3,965 5 0	970 18 7	...	1,531 11 1	118 5 7	65,721 0 10	
5,932 16 0	...	...	...	...	...	2,360 10 11	297 0 0	10,864 1 3
7,427 18 0	...	...	...	...	223 14 6	1,500 0 0	1,058 10 4	10,415 19 3
5,403 18 4	...	...	2,462 0 4	...	...	...	...	7,865 18 8
...	467 8 10	...	...	...	...	...	...	467 8 10
...	2,396 10 0	153 10 0	...	471 0 0	674 17 6	...	313 11 4	4,009 8 10	
...	4,000 0 0	937 7 0	1,499 7 0	...	555 7 6	...	...	6,992 1 6
...	3,759 4 8	30 11 0	999 10 0	...	...	...	...	4,789 5 8
...	1,436 15 0	...	1,000 0 0	...	...	...	...	2,436 15 0
...	479 18 0	...	...	...	...	418 15 2	...	898 13 2
...	...	993 1 2	46 19 11	...	1,310 7 6	...	283 2 0	2,633 10 7	
...	...	998 4 0	...	...	...	...	...	998 4 0
...	...	...	2,000 0 0	...	225 0 0	...	452 8 0	2,677 8 0
...	...	...	...	...	...	2,200 0 0	180 4 2	2,380 4 2
26,566 5 8	42,855 0 8	11,898 18 5	19,346 0 10	7,055 18 6	5,619 13 7	11,498 7 2	2,703 1 5	498,502 9 8	
Total expenditure for Repairs, as per Return No. 2, from 1850 to 1863							24,196 19 5
Total cost of Wharves and Jetties for Construction and Repairs, from 1850 to 1863							522,699 9 1

(PIERS and WHARVES, from 1850 to 1863.)

1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	Total cost of each Wharf for Repairs.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
...	1,974 10 10	2,803 18 0	1,371 13 8	1,905 8 10	3,033 3 10	1,642 4 10	789 17 8	13,520 17 8
715 0 0	76 8 6	371 11 0	383 14 0	...	...	...	98 7 6	2,991 8 1
...	549 0 0	...	26 5 0	...	504 18 0	...	342 0 0	1,422 3 0
860 19 0	343 17 7	164 7 8	33 10 8	23 1 5	499 4 3	...	91 9 3	2,400 9 4
100 0 0	...	246 6 0	...	...	23 2 0	3 0 0	1 10 3	373 18 3
55 0 0	...	73 16 0	1,727 2 0	...	9 13 4	5 16 4	78 7 2	1,949 14 10
...
...
...	...	...	...	52 5 0	...	185 0 0	...	237 5 0
...	...	...	...	148 5 0	...	881 9 7	...	1,029 14 7
...	...	...	...	...	...	...	266 8 8	266 8 8
...
...
...	...	...	...	...	...	...	5 0 0	5 0 0
...
1,730 19 0	2,943 16 11	3,659 18 8	3,543 4 4	2,129 0 3	4,070 1 5	2,717 10 9	1,673 0 6	24,196 19 5

1864.

VICTORIA.

ORIGINAL RULES OF THE BOARD OF EDUCATION.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HONORABLE W. H. F. MITCHELL.—3RD MARCH, 1864.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 8TH MARCH, 1864, AND
EXTRACTS ORDERED BY THE COUNCIL TO BE PRINTED, SO AS TO SHOW THE
CHANGES WHICH HAVE BEEN MADE IN THE RULES, 20TH APRIL, 1864.

E X T R A C T S

FROM

THE ORIGINAL RULES OF THE BOARD OF EDUCATION, AS
SUBMITTED FOR CONFIRMATION.

I.—DISTRIBUTION OF PUBLIC MONEY.

ALLOWANCES TO SCHOOLS.

10. The following allowances may be made to schools in connection with the Board of Education, at the end of each half-year ending on 30th June and 31st December, respectively:—

- (a.) The sum of twenty-five pounds (£25) when the average attendance in a school is under 50; £20 additional when a school has 50 and under 100, if an assistant be employed; £15 for every additional assistant, one such assistant being allowed for every 50 in average attendance after the first 50. A sum of £15 per half-year will be granted to sewing mistresses in schools having an average attendance of from 36 to 50, where the head teacher is not a female. Payments on account of these allowances will be made to the teachers quarterly.
- (b.) For every scholar who has attended 100 meetings of the school if situated in a municipality, or 90 meetings if not so situated:—
1. If above 7 years of age, 24s.; subject to passing an examination in reading, writing, and arithmetic, as in Appendix E.
 2. For those who have passed the above examination, 10s. each; on their passing the additional examination in geography and grammar under the same standard, viz., 5s. for each.

- (c.) If under 7 years of age, 15s.; subject to reduction or forfeiture on a report from the inspector that such children are not instructed suitably to their age.
- (d.) For every evening scholar who has attended 60 evening meetings of the school, £1; subject to passing an examination in reading, writing, and arithmetic, as in Appendix E; and for those who have passed this examination, 10s. each, on their passing the additional examination in geography and grammar under the same standard, viz., 5s. for each.

11. Attendance, morning or afternoon, cannot be reckoned for any scholar who is not present at the calling of the roll; nor attendance in the evening for any scholar who has been under instruction less than one hour and a half; the time of calling the roll to be inserted in the Time table.

12. Evening attendances may not be reckoned with morning or afternoon attendances in making up the prescribed minimum of 100, or 90 attendances.

13. Evening attendance may not be reckoned for any scholar under *twelve years of age*.

14. For any scholar who has attended at least 100 or 90 times respectively in the morning or afternoon, for whom 24s. is claimed, there shall be forfeited 8s. for failure in reading, 8s. in writing, and 8s. in arithmetic.

15. For every scholar who has attended at least 60 times in the evening for whom 20s. is claimed, there shall be forfeited 6s. 8d. for failure in reading, 6s. 8d. in writing, and 6s. 8d. in arithmetic.

16. For any child who has attended at more than one school in connection with the Board during the half year, the attendances at the former school may be counted in making up the 100 or 90 attendances, respectively; but a certificate showing the number of such attendances, and the standard attained, signed by the teacher and correspondent of the local committee of the former school, must be produced to the inspector previous to examination under standards.

17. Every scholar for whom the grants dependent upon examination are claimed may be examined for the same standard at two successive half-yearly examinations, after which he must be presented for examination in a higher standard.

18. For every scholar who has attended 90 or 100 times respectively, in the morning or afternoon, and who shall have passed according to the highest standard, an allowance of 10s. will be made.

19. The grant may be reduced by not less than one-tenth nor more than one-half in the whole upon the Inspector's report for faults of instruction or discipline on the part of the teacher, or (after one month's notice) for failure on the part of the local committee to remedy any such defect in the school premises as seriously interferes with the efficiency of the school, or to provide proper furniture, books, maps, and other apparatus of elementary instruction; and may also be reduced by its excess above the amount specified in rule 7.

20. Any local committee objecting to the Inspector's classification of the scholars according to the various standards in Appendix E, or to his report upon the building, instruction, or discipline, may appeal to the Board of Education, who will at once take steps to investigate the matter. Every such appeal must be made within twenty-one days from the date of inspection.

21. No grant will be made in respect of any teacher or teachers who shall at any time knowingly and wilfully present for examination or make any claim on behalf of any scholar who shall be by these rules disqualified from such presentation or claim, or who shall make a false entry respecting such child, knowing the same to be false, or not knowing the same through gross negligence; and such disability shall continue for a period of five years from the date of the discovery of such false entry.

22. In Schools with an average attendance of less than thirty-five, should the sum to be claimed under these Rules (not including fees) fall short of £80 per annum, the Board will supplement the income by the sum necessary to make up that amount; the state of the school being satisfactory.

III.—EXAMINATION AND CLASSIFICATION OF TEACHERS.

52. Certificates of qualification will be divided into two classes, and will be granted upon examination by officers appointed by the Board, the details as to which will be found in Appendix D. But all teachers who have been classified under the late National or Denominational Board will be entitled, without examination, to a classification equal to that enjoyed by them under either of those Boards, and a certificate in accordance with this rule will be granted by the Board of Education; and teachers who have held schools under either of the late Boards for three consecutive years immediately preceding the 1st October, 1857, will be entitled, without examination, to a special certificate, upon obtaining a report from an Inspector that their schools are well conducted; and teachers holding certificates of merit from Her Majesty's Inspectors of Schools in Great Britain and Ireland, who have actually received a recognition by either of the late Boards, will receive a similar recognition by the Board of Education, and will, without examination, be entitled to a certificate accordingly.

53. The Board will grant honorary certificates to teachers upon examinations, held periodically, on subjects set forth in Appendix D; and a bonus of £20 will be given to such as receive a first class certificate, and one of £10 to such as receive a second class certificate.

56. The Board will not sanction the appointment of a minister of religion as teacher or assistant in a Common School.

[In the Rules as approved, here follows—

64. No teacher shall receive a certificate of the first division of head teacher, unless he has been employed in a school for at least two years.]

V.—SCHOOL FEES.

61. The rate of School fees will be regulated by the Local Committees, but is not to exceed *ten shillings a month, or two shillings and sixpence a week*, unless with the special sanction of the Board, nor is it to be less than *three shillings a month or ninepence a week* for any single scholar. When more than one attend from the same family, the fee for each may be reduced to *sixpence*. In Infant schools the fee may be reduced at the discretion of the Local Committee to *sixpence* per week. No child above eight years of age can be regarded as an infant.

APPENDICES.

APPENDIX D.

Fourth last line—

For a first class honorary certificate 2,000 marks or upwards must be obtained.

APPENDIX E.

STANDARDS OF EXAMINATION FOR GRANT UNDER RULE X. (b).

1864.

VICTORIA.

FORFEITED AND NEW RUNS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HONORABLE F. ROBERTSON.—8TH MARCH, 1864.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY 13TH APRIL, 1864, AND
ORDERED BY THE COUNCIL TO BE PRINTED, 20TH APRIL, 1864.

A COPY of the Conditions under which the New and Forfeited Runs were disposed of by
Messrs. Fraser and Cohen, under Instructions from the Government.

CONDITIONS OF SALE OF PASTORAL OCCUPATION OF UNOCCUPIED RUNS, 31ST DECEMBER, 1863.

1st. The pastoral occupation of the runs hereinafter described will be exposed for sale at the annual rentals respectively stated and annexed to the descriptions thereof, and the bidder of the highest sum, by way of premium, will be declared the purchaser, provided he shall immediately pay down such sum, and sign the description hereunto annexed of the run, the pastoral occupation of which he shall become the purchaser, thereby binding himself to the observance of the above and following articles and conditions; and, in default of such payment being immediately made, the run shall forthwith be again put up to auction.

2nd. The annual rent determined by the Board to be paid in respect of these runs, will be due and payable by the purchasers in two equal half yearly moieties, on the 30th of June, and 31st of December, yearly, till the termination of the period of occupation so purchased.

3rd. Immediately after the biddings on each run are concluded, and before another run is put up, the name of the purchaser will be entered by the Land Officer in the list of the descriptions of the runs annexed to these presents; if previous to such entry any question or dispute shall arise between the seller and bidders, or amongst the bidders themselves, the run in question shall be put up again. Subsequent to such entry no dispute whatever can be admitted, nor can any alteration of names or transfer from the actual purchaser to another party be allowed.

4th. The purchasers of the pastoral occupation of these runs shall be entitled to receive licenses to occupy the same during the periods assigned in each particular case, subject to the conditions contained in the 102nd clause of the "*Land Act 1862*," and to the reservations of land required for public ways and railways, without compensation, and the privileges of travellers, as defined in the 78th clause of the said "*Land Act 1862*."

NOTE.—All offers and licenses relative to these runs will be effected in reference to the public charts. Each is described by length of lines run with a chain upon the bearing of a compass needle, which needle is variously affected by magnetic attraction in the Colony of Victoria, and will accordingly be described as *more* or *less*. Any future claim for compensation as to any alleged difference in the area cannot therefore be entertained.

5th. If the officer acting on behalf of the Government shall find reason to believe that any run will not obtain its just value, or shall otherwise think fit to withdraw the same from sale, he shall have full power to do so at any time previous to its being actually sold.

6. Persons having affixed their signatures to the list of the descriptions of the runs annexed to these presents, in token of their having become purchasers (or agents for purchasers) of the pastoral occupation of the runs to which their signatures are respectively so affixed, will be held to have previously obtained all necessary information, and not entitled to allege ignorance or any other cause for their not fulfilling all and every obligation incumbent upon them by these articles and conditions.

List of the descriptions of the runs, and declarations relative thereto :—

We, the undersigned, do hereby acknowledge that we are the purchasers (or agents of the purchasers) of the pastoral occupation of the runs to which our names are respectively signed, and we do each of us severally for ourselves (or on behalf of our constituents) undertake to make payment of the annual rent determined by the Board of Land and Works, to be paid in respect of the same, and to fulfil all and each of the foregoing articles and conditions, and failing our doing so we do hereby acknowledge that we have forfeited all and every claim to the pastoral occupation of the said run or runs, and to the premium which we have paid.

In witness whereof we have on the day and year above written severally signed our names at the foot of the description of each run, the pastoral occupation of which has been so purchased by us.

1864.

VICTORIA.

R E P O R T

ON THE CASE OF

COLDHAM AND WILMOT.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HONORABLE S. G. HENTY.—20TH APRIL, 1864.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 11TH MAY, 1864, AND
ORDERED BY THE COUNCIL TO BE PRINTED, 17TH MAY, 1864.

COPY OF THE EVIDENCE TAKEN BY THE COMMISSION AND THE
REPORT UPON THE CASE COLDHAM AND WILMOT.

JOHN COLDHAM, of Grassdale, examined.

I am a settler.

I attended a land sale at Digby on the 23rd July, at which Mr. Wilmot acted as auctioneer ; I cannot say who conducted the sale.

I have to complain of the hurried manner in which the sale was conducted, and in consequence of this hurry, I was unable to make my biddings, or others theirs.

This hurry produced such confusion, that I am unable to say who bid, whether it was I or some one else, all seeming to bid at the same moment.

I had employed an agent to purchase for me; but so great was the hurry, I could not ascertain whether he bid or not, and I opposed him in his bids.

Had time been allowed for bidding in the sale of Mr. Learmonth's land, I do not think I should have received the competition I had.

The tone adopted by the auctioneer, in my mind, produced unnecessary competition and confusion.

Another instance of the hurry and confusion was indicated by an allotment on Grassdale, with improvements, valued at £200, and upset price at £2 per acre was submitted to competition by the auctioneer at £1 per acre ; the biddings attained over £2 before the attention of the auctioneer was called to it by a person present.

In my bidding the auctioneer at one time said, "Speak up, I cannot hear you." On applying to have my bid taken, I lost that lot; it was knocked down to another at £2 8s. I was prepared to pay £3 per acre for that lot. I did not apply to have the lot put up again. The sale-book was not signed at the time.

I charge Mr. Wilmot with refusing to take letters of credit on that day, and also with his having exacted more deposit than the law demanded. He demanded those excessive amounts by saying, in the majority of instances, "I want so much from you." I also heard Mr. Wilmot refuse to put up again an allotment about which there was a dispute.

I also charge Mr. Wilmot (but I do not know it of my own knowledge), but I believe that two allotments were not offered for sale that day which were included on the sale list.

I maintain that the sale of the land on Mr. Learmonth's run was more hurriedly conducted than the land on my run.

Answers to questions by *Mr. Wilmot*:—I charge you with precipitancy in conducting the sale by which I lost one allotment.

I have written a letter on this sale ; that produced to me is the same, dated 28th July, 1863, marked A.

Mr. Quinn said to me, after the sale was over, in the presence of Mr. Frank Henty, "By Jove, there were two lots of land on Mr. Learmonth's run not put up at all, though the "book was signed for them."

I heard Mr. Arden ask to have the lot I referred to in my direct statement put up again. It was the first lot.

(Signed) JOHN COLDHAM.

JAMES HENRY QUINN examined.

I am Clerk of Petty Sessions at Digby.

I was present on the 23rd July last at the land sale at Digby.

I was exercising no capacity in particular at the sale. I filled in some receipt butts, namely, the numbers and dates of some, say to about lot 28 or 30, when Mr. Wilmot told me not to fill in any more, as the balance of the lots he thought may be purchased by one person.

For the last four years and a half I acted as auctioneer at all the land sales held at Digby, up to this one. About two weeks previously to that sale, I acted as auctioneer at the Green Hills, at which Mr. Wilmot presided ; and previously to that I sold at Digby, at which Mr. Wilmot also presided. I acted as private auctioneer for five years before joining the Government service.

It was at Mr. Wilmot's request I attended at the Green Hills. He asked me to go to the Green Hills on another occasion. I could not go.

An intimation was made to me after the Green Hills sale that I was not to act as auctioneer at Digby on 23rd July. Mr. Wilmot said he would wield the hammer himself there : he assigned no reason to me for it.

I conducted sales for Mr. Lindsay Clarke for four years : he never complained of my incompetency.

I read the proclamation of the Digby sale of the 23rd July, at two minutes past eleven o'clock, and the sale was completed at four minutes past twelve o'clock.

I had a reason to know the time so particularly by a bet being made that Mr. Wilmot would sell the land in an hour.

I never witnessed a sale conducted as that sale of the 23rd was. All the biddings were made in utter confusion. I should not be able to bid if I was about buying. Lot 22, I think, was knocked down at £1 when one man bid £2, and I think lot 22 was the one. The instant Mr. Wilmot put up the lot at £1, he knocked it down, while at the same moment there were several bids.

I heard Mr. Wilmot threaten to put people in the lock-up. At this time there were hissing and other discordant sounds. I heard him call on the police to do their duty. This held for about three minutes : there was great confusion.

I heard Mr. Arden ask to have an allotment put up again. I do not recollect if it was put up—through the confusion I do not recollect it.

Mr. Wilmot did not appear to be frightened.

I heard Mr. Wilmot refuse to take letters of credit. I do not know of Mr. Wilmot refusing or accepting letters of credit at sales before. I do not recollect any being presented to him before—I mean bank letters of credit.

I heard (at the Green Hills) Mr. Wilmot say that he thought Mr. Learmonth's land (sold on 23rd July) would fetch at the sale, when held, about 27s. per acre.

During the sale, of the 23rd July, my attention was called by Mr. Henty to a lot or two lots, to ask if either was sold. I turned to Mr. Wilmot and called his attention to the lot 27. He replied, "It is sold at £1," I think he said. My impression is, that lot 29 was passed and not sold. The first lot Mr. Henty called my attention to was lot 27.

Answer to *Mr. Coldham*:—I did not tell Mr. Coldham of it; but while Mr. Henty and I were speaking of it, after the sale, you (Mr. Coldham) came into the office, and you (Mr. Coldham) heard us speak of it. I mean of this lot passed over or omitted.

Answer to the *Board*:—What I mean by a bet, in my direct examination here, was a conversation like, or chaffing, as it were, between us, at the Green Hills. I mean us, by Mr. Wilmot, Mr. Robert Learmonth, myself, and others, when talking of the sale to take place at Digby, of Mr. Learmonth's run, when Mr. Wilmot then said he would conclude the sale in an hour.

In answer to *Mr. Wilmot*:—I ceased to fill in the butts of the receipts after I considered you had omitted to put the lot referred to up. You also told me not to fill up any more.

I filled in some butts after the sale. On the morning of the sale I was well fitted to conduct the sale. I am not nervous; not so nervous as to be unable to discharge my duty.

I am not an expert; but I was competent to perform the duty. I was not conversant with the filling up of receipts, as I had filled none of those previously.

I recollect Mr. Arden asking if his cheque would be accepted by you on that day morning.

Mr. Howarth presented a cheque, and you accepted that cheque.

I do not recollect if it was endorsed.

I did not see Mr. Croaker endorse a cheque.

I did not see, nor do I know of Mr. Kellar's cheque. I do not know if Mr. Turnly had his cheque endorsed.

(Signed) JAMES HENRY QUINN.

FRANCIS HENTY examined.

I am a settler and a J.P.

I was present at the land sale, at Digby, on 23rd July last.

I never saw a land sale conducted so hastily.

I presume, and think, that hurry produced the confusion which existed. The extreme hurry prevented bids.

I cannot say how this hurry would affect the price or value obtained for the land.

I heard bidding from three or four persons at the same time.

I have never seen a person conduct a sale as Mr. Wilmot did.

I heard him threaten to put people in the lock-up (I believe he called on the police; they were there and could be had), all arising from disputes about whose bid the land was knocked down to. I was making a note of the proceedings that day. My impression was that a lot was passed, and I called the attention of the Clerk of the Bench to it, and he spoke to Mr. Wilmot on the subject, and Mr. Wilmot said it was sold.

I heard that lot mentioned after sale by Mr. Quinn, and he appealed to me for its correctness that a lot had been passed by unsold. He said two allotments were passed over. My impression was, that one was passed over. It must be through the confusion it occurred, if it was so.

Answer to *Mr. Wilmot*:—I only called the attention once of Mr. Quinn to the lot passed. I am positive I did not call his attention twice.

(Signed) FRANCIS HENTY.

JAMES JACKSON examined.

I am a stockman and drover.

I reside at Sandford.

I was present at the land sale, at Digby, on the 25th July last, as a purchaser.

I found it no easy matter to be heard in bidding, on the quickness that the land was sold. I have been a purchaser of land at various sales, but I never saw such confusion as at that sale of the 23rd.

To *Mr. Coldham*:—Parties bid against themselves. You bid against yourself, and I bid against myself, so excited was I.

I remember the first allotment knocked down to Mr. Arden; it was put up again and knocked down to Levitt. Mr. Arden applied to have it put up again, but it was not done so. At that period, and during the sale, there was a general row.

I bid for land at that day's sale, allotment 6 of section 3, at £3 6s. per acre. Mr. Wilmot asked me £70 for the deposit; my partner, Fyfe, put down £59 Victorian notes, £1 Adelaide note, and one cheque of £12 13s. of William and John Robertson, and he, Mr. Wilmot, refused to accept it. The land was put up again, while the money was tendered to me in the Court, and the land was knocked down to Andrew Dwyer at £2 16s. per acre, being a difference between my bid and his of 10s. per acre.

I considered myself a sufferer by the loss of that allotment.

I bought another lot at £3 per acre; the previous lot was better by 30s. per acre; I mean the lot Dwyer bought.

I bid for land at Tahara: I bid £2, and it may be £3 per acre for some.

I cannot say how many lots Mr. Learmonth got at £1 per acre. I cannot say if all the allotments were put up. I thought the land of Tahara was sold quicker than other land; other land besides Mr. Learmonth's was sold at £1 per acre, but the quality was not so good. I saw many trying to bid, but the hammer would go down, and the land would not be put up again. Mr. Wilmot told me, when bidding for Mr. Learmonth's land, "Are you the man who had the cheque? it is no use for you to bid." I told him I had got the money.

To Mr. Wilmot.—I was perfectly sober that day, and made no disturbance.

I do not remember expressing satisfaction at my money being refused by you. I had no time to protest, or ask to have it put up again. When you threatened to put people in the lock-up I thought it better to remain quiet, fearing the land may be all sold if I was absent or removed.

I continued to bid while able.

(Signed) ^{his} JAMES × JACKSON.
mark

Witness—(Signed) GEORGE CUE.

WILLIAM HOWARTH, of Branzholme, examined.

I am a storekeeper.

I was present at the Digby land sale of 23rd July last, the first day's land sale held there.

I bid for some allotments. I found a great difficulty in offering my bids, the sale was conducted so rapidly.

I have attended land sales; I have never seen one conducted so rapidly as this.

Great confusion resulted from the hurry.

I come here to testify to the conduct of the land sale officer.

I saw you (Mr. Coldham), bidding; you were unable to keep pace with the speed of the bidding.

I do not know if Mr. Wilmot was more rapid in selling Mr. Learmonth's land than any other.

I bought three allotments: one lot was 10 of section C, the purchase-money was £255 19s. I was asked, and paid £110 for deposit on that lot. Mr. Wilmot's expression was, "I will take £110 from you."

Second lot 9 of section C, I paid on that £100 deposit (the purchase-money was £282 3s.) Also allotment 13 of section 4, on which I paid deposit £50 (the purchase-money was £162 14s. 5d.) and in each case was demanded.

I think more money would be got had time been given to bid.

I do not think that one person got four allotments at £1 per acre.

To question by *Mr. Wilmot.*—I was buying for Mr. Coldham. I did not protest against the extra demand of deposit money.

I thought it was no use, as you were in such a temper.

I had to get a cheque endorsed that I produced to you.

(Signed) WILLIAM HOWARTH.

GEORGE SIMPSON, of Merino, examined.

I am a saddler.

I was present at the land sale at Digby, of 23rd July last, as a spectator merely.

I decidedly think that Mr. Wilmot's manner was improper in conducting the sale.

There was no time for any one to bid given; it was once, twice, and the hammer went down. I never heard three times mentioned.

Most certainly the confusion produced by the conduct of the officer would cause any amount of irregularity.

I am sure the land would produce a larger price had time been allowed to bid.

(Signed) GEORGE SIMPSON.

JOHN HENRY JACKSON examined.

I am a settler and a J.P.

I reside at Sandford.

I was present at the land sale of 23rd July last, at Digby.

Mr. Wilmot was acting auctioneer.

I considered the manner of conducting the land sale there most objectionable.

I should have great difficulty in buying, from the confusion and manner of the sale.

Disputes about bids existed; a great many were necessarily made together, from the hurry existing.

I think it probable, from the persons who afterwards I heard could not get their bids taken, that, if time was permitted, more money would be had for the land.

(Signed) J. H. JACKSON.

FREDERICK FORD examined.

I am a storekeeper, and reside at Merino.
 I was present at the land sale at Digby on 23d July last.
 I considered Mr. Wilmot's manner of conducting the sale objectionable.
 I consider there was most undue haste in knocking down allotments; it produced considerable confusion; parties bidding against each other; partners even bidding against each other.
 I consider Mr. Wilmot's manner was very irritating.
 I observed nothing of lots being bid for long after the hammer was down.
 I was here as a spectator.

(Signed) FREDK. FORD.

PETER TURNER examined.

I am a farmer.
 I was a purchaser at Digby land sale on 23rd July last. I bought Lot 9 there; it cost £231 11s. 8d. The deposit demanded from me was £100. I intended to buy another lot of the same kind, but could not. The lot I bought came to the highest amount I valued it at. The large demand for deposit prevented me from bidding for the second allotment I wanted, not sufficient money being in my possession to bid for another lot with so large an amount of deposit demanded. I never got the time to protest. I did not protest.

(Signed) PETER TURNER.

EDWARD WHITE examined.

I am a farmer. I reside at Denhills.
 I was a purchaser of land at Digby land sale of 23rd July.
 The manner of the auctioneer was objectionable, in knocking down the first and several other lots too quickly; and, on being required, did not put it up again.
 I demanded it to be put up, but it was refused.
 I got no time to bid, nor any other person.
 At this sale there could be no bids made, as confusion existed. Great reasons existed for fear of a breach of the peace.
 More money, even to double the amount, could be had for the allotment in question. I was myself, and others also, prepared to pay double.
 I had commissions to buy land for a good many. I got authority to buy land at Tahara, at £3 per acre, which was sold at 26s. and up to £2 per acre.
 I state the allotments from a plan—allotments 9 and 10, parish of Tahara; allotment 7, same parish and section. I was prepared to give £3 per acre for this allotment, but owing to letters of credit being refused, I had no power to bid. The land would fetch a higher price had time been allowed.
 I purchased one allotment at £2 2s. per acre, came to £161 14s. I had to pay £70 deposit for this, which prevented me from purchasing another allotment that day, as cash only was demanded.
 I perceived great demand for the land at Tahara: bids on bids immediately followed. On one occasion Mr. Learmonth disputed my bid and it was put up again. Subsequently it was purchased by Mr. Learmonth. Several claims from others who made objections had not their demands attended to of putting it up again.
 I know the lands at Tahara well. With the exception of four allotments, that land was as good as Grassdale.
 To Mr. Wilmot:—I was buying for others and for myself, and I paid £70 deposit, positively; at least I think so.
 You threatened to put the whole mob in the lock-up, and pointed me out, I thought.

(Signed) EDWARD WHITE.

MICHAEL SHANNON, of Coleraine, examined.

I am a farmer.
 On the 23rd July last, I attended as a buyer of land at Digby, of the lands we had classed on the first allotment put up; there was confusion through the sale being too quickly conducted; it was put up again, and knocked down again, and I, with others, protested against the manner of the sale.
 2ndly. The third allotment I proceeded to buy, and bid very rapid up to £3, and no attention paid to me or my side of the room. It was knocked down to me, and another was standing by the book, and he, it appears, was selected as the bidder. Then as to letters of credit, it was said by Mr. Wilmot, that any man bidding on a letter of credit he would fill the lock-up with them. I was afraid to bid, as I had one for £500 in my possession, and I have it now.

Several lots which I selected to buy at £3 and £3 10s. per acre were knocked down much less, some of them. Great confusion existed in trying to get money.

A general complaint existed that over excessive sums were drawn for deposits.

I have attended land sales of nine years, but this was not like any others I was at.

I inspected all the land offered at the sale that day.

I cannot say if they were all put up for sale or not.

Some Germans bid for land, but they could not keep the pace Mr. Wilmot was travelling at. Several had bank letters of credit, who were all disappointed. I mean by letters of credit, bank letters of credit.

(Signed) MICHAEL SHANNON.

DANIEL KENNY, of Grassdale, Farmer, examined.

I attended land sale at Digby on 23rd July last.

I came there to buy land.

I bought some, but not as much as I intended. I fixed on three allotments beforehand. Mr. White bid for me. The auctioneer demanded £85 as a deposit on the land I bought; the purchase money was £231 1s. 9d.; the deposit was in excess of the proper amount. The excessive demand of deposit prevented me from bidding for more land, as I intended.

(Signed) DANIEL KENNY.

ALFRED ARDEN examined.

I reside at Coleraine.

I am a landholder, &c.

I attended at the Digby land sale of 23rd July last. Mr. Wilmot acted as auctioneer.

His method of selling land was very peculiar.

I have twenty-five years' experience in the colony and never saw its like. It was too rapid.

I came here to buy two thousand pounds worth of land. I could not get one sixpence worth.

A lot was knocked down to me at £1 per acre, but another requested it to be put up again, and it was so.

While I was coming to the desk to pay for it, it was knocked down at £1 1s.

I stated I was prepared to pay £3, and requested that my delay in coming up to pay for it may be allowed for, and I asked him to put it up again, and he refused, and most insolently, and with gross insolence refused.

At a subsequent period, I asked if he would like cheques, as a refusal would shut me out from buying.

He asked me who I was, that he should take my cheque, and insolently, and he refused to take it.

I, subsequently to the sale, offered, and would pay, £3 per acre for land, which Mr. Wilmot sold to Mr. Winter's agent, at £1 1s.

Land purchased at that sale subsequently sold for £4, and was worth £5 per acre, and has been since sold for those sums per acre.

Several persons paid to the auctioneer larger sums as deposit than law justified: he demanded the amount, and they were consequently prevented from buying more land.

I asked persons to take £4 for the land bought at £1 1s., and it was refused.

The whole sale was conducted by Mr. Wilmot in so offensive a manner, and so that I could not protect myself by asking parties in the room to back my cheque.

I saw Mr. Wilmot knock down lots of land to Mr. Learmonth with undue haste, and I noticed land put up at request of persons who I could see were favorites, and to others refused. Lots which were knocked down to Mr. Learmonth at £1 were valued for £3 per acre.

I believe no better lands than those of Tahara (Mr. Learmonth's run) can be had in Australia.

(Signed) ALFRED ARDEN.

GUSTAVE STEPHEN examined.

I am a German. I live on Murndall.

I was present at Digby land sale on 23rd July last as a buyer of land. I wanted to buy land to farm on at Tahara. I did not buy land. I could not buy at Grassdale; it was too high. I bid £2 for land on Learmonth's run at Tahara, which was sold by the auctioneer for £1 to Mr. Learmonth. I did not ask it to be put up again, as the auctioneer was laughing at me.

I bid for other land at Tahara, sec. 8, 9, 10: there was no time for bidding given. I was close to the auctioneer, but no time was given. I would give £3 per acre for those lands.

The land was knocked down as soon as put up.

(Signed) GUSTAVE STEPHEN.

HENRY SCHULTZ, of Merino Water-holes, Tahara, examined.

I am a farmer.

I was present at the Digby land sale of the 23rd July last.

I came as a purchaser. I bid for several allotments, but did not get any. Some bid higher. The bidding was too quick. I bid for allotments 2, 3, 4, Tahara: part joins my occupation license. I bid for allotment 6 also.

I bid £1 1s., when it was knocked down immediately; I heard others bidding loudly. It was knocked down at £1 to Mr. Learmonth, I think. I was standing close to the auctioneer when I bid £1 1s., and which lot Mr. Learmonth got for £1.

I intended going up to £2 for that allotment.

No time was given me to bid.

To *Mr. Wilmot*:—I bid 21s. immediately on your saying upset price.

(Signed)

HEINRICH SCHULTZ.

JAMES H. QUINN, Clerk of Petty Sessions, Digby, recalled and examined.

On the 23rd of July, at Digby, I read the proclamation before the sale was commenced, and also the articles and conditions of sale.

Mr. Wilmot then put the lots by number: the descriptions of the lots were not stated at all—not the sections or allotments. One lot, on which improvements were valued at £200, was put up at £1, and the bidding gone on with until the attention of the auctioneer was called to it. The upset price of £2 was appended to that lot.

To *Mr. Wilmot*:—The manner of your putting up the land was thus: "Lot so-and-so, upset price one pound per acre"—without naming the section or acreage; at least this was so done by you generally: perhaps in one instance or two you may have stated the sections or acreage, but not generally.

(Signed)

JAMES HENRY QUINN.

FOR THE DEFENCE.

CHARLES CROKER, of Portland, Merchant, examined.

To *Mr. Wilmot*:—I took notes of all the lands bought by Messrs. Learmonth on the 23rd July, at Digby. There were no lots passed by without being offered; certainly not.

I was particular in taking notes of all sold and offered of lands to Messrs. Learmonth, as I had an interest in the matter.

To *Mr. Coldham*:—I think some of the lands were knocked down very hurriedly. I do not think it would prevent me from bidding—there were lots knocked down quicker than others. The latter part of the sale was much slower than the former period of it. I have seen an auction in Melbourne conducted as quickly.

I do not recollect your saying there would be a row if Mr. Wilmot did not change his manner. I made a memorandum to Mr. Wilmot as to some suggestion, but cannot say as to what it had reference. I think there was haste in the conducting of the sale. I compared notes with Mr. Henty after the sale and found he was wrong in his memorandum of the particulars.

(Signed)

C. CROKER.

JAMES FETHERS, of Portland, Commission Agent, Portland, examined for the Defence.

To *Mr. Wilmot*:—I attended a sale of land at Digby on the 23rd of July last. I took notes of the land sold on that day—all lots were offered for sale on that day. All that were advertised for sale were offered for sale. I did not hear any person offer forty shillings for a lot that was knocked down at twenty shillings—I do not think it could have happened without my knowledge. The Melbourne land sales are quick. There was great confusion at the land sale at Digby.

To *Mr. Coldham*:—I should not sell, myself, at so quick a rate as Mr. Wilmot sold. I did not hear Mr. Arden ask to put up the lot I a second time. I said to Mr. Winter that "the lot was got by a 'flake'".

(Signed)

JAMES FETHERS.

RIGBY JOHNSON MERCER examined.

To *Mr. Wilmot*:—I reside at Digby. I attended the sale at Digby on the 23rd of July. You proceeded in the usual way of auctioneers, except more rapidly. You described the allotments as they are described in the Schedule. Undoubtedly I took notes of the sale. There were no lots missed.

I should notice any omitted if they had been.

To *Mr. Coldham*:—My attention being called to one lot now in Schedule, there was an error in putting up the lot at £1 instead of £2.

I observed the error myself, but did not draw attention to it, not feeling at liberty to do so.

I thought *Mr. Wilmot's* manner was hurried, and it produced confusion. I think parties were prevented from bidding by that hurry; they could not bring their bids out sufficiently quick. I do not think more time was given in bidding for Grassdale than Tahara. I attended all sales held at Digby for some years, except one. I have seen *Mr. Quinn* acting as auctioneer at those sales. He was quite competent.

(Signed) R. J. MERCER.

Copy of letter referred to by *Mr. Coldham* in his evidence marked A.

Extract from Mr. Coldham's letter to Mr. Croker.

Grassdale, 28th July, 1863.

My dear Croker,

I have hardly yet got over the memorable 23rd; it is a day to be remembered. I may mention to you, seeing that you are a friend of *Mr. Wilmot's*, that there are bitter murmurings against him. I hardly know whether any importance is to be attached to them, but I should have thought some steps ought to be taken on the part of his friends to counteract the course of action. I should have written himself, as the summary of the charges was shown me the other day, but that I do not know in what light *Mr. Wilmot* exactly regards me. It would appear that he uttered some somewhat hard things of me after the sale, as uncalled for as unjustifiable. I have my suspicion whence the origin of these bitter waters, but can afford to laugh at such puerile attempts to injure me in the estimation of people. I was prepared to believe, till then, that *Mr. Wilmot* meant friendly towards me and would have been glad to have reciprocated any such spirit. Unconscious of having done ought to have disturbed such a sentiment, I can but assume other means have been at work. It is possible, after all, that I am attaching too much importance to this array of charges; but knowing there are two or three bitter pills engaged, thought that to be forewarned is sometimes to be forearmed.

There is no necessity for your saying a word to *Mr. Wilmot* unless you think it advisable. It is a spirit of friendship, in spite of his tone to me, that dictates my giving him the hint.

I am,

My dear Croker,

Yours very truly,

(Signed) JOHN COLDHAM.

REPORT

OF

BOARD OF EXAMINERS *in re* WILMOT.

Portland, 12th October, 1863.

SIR,

In compliance with your desire, as conveyed to us in a letter from the Assistant Commissioner of Lands and Survey, dated 9th ultimo, we have inquired into the complaints preferred by Mr. Coldham against Mr. (District Surveyor) Wilmot, regarding the manner in which the land sale, held at Digby, on the 23rd July last, was conducted by him, and have now the honor to transmit to you the evidence taken by us, together with a report of our opinion thereon.

1. We consider Mr. Wilmot's conduct in acting as auctioneer was most injudicious, if not illegal. It was impossible he could give proper attention to the selling of the land, and at the same time discharge the duties which properly devolved upon him; and he was not, it appears to us, "*selling Crown property by auction under competent authority*" to bring him within the exemption clause (22nd sect.) of the 18th Vict., No. 23.

2. No sufficient reason has been shown to us why Mr. Quinn, who is stated to have authority from the Government to sell by auction, did not do so on this occasion.

Mr. Wilmot, by his cross-examination of Mr. Quinn, would seem to imply that that gentleman was unfit, from nervousness, to act as auctioneer on the 23rd July; and in his defence he states that he had recommended the appointment of an auctioneer for the district some time previous, as he did not consider Mr. Quinn competent. But there was no evidence to show that he was correct in either of these opinions. He announced at the Green Hills, a fortnight before the sale, that he would himself act as auctioneer at Digby, without assigning any reason; and besides having sold by auction for the Government for a period of four years without any complaint, Mr. Quinn, it seems, had had five years' experience as an auctioneer before he entered the public service.

3. Mr. Wilmot, being responsible for all moneys received by him, had a perfect right, we consider, to refuse cheques, but *was not justified in refusing bank letters of credit*. By doing so, many persons, who were most anxious to purchase and settle on the lands, were excluded from the sale, and, of course, grievously disappointed.

4. It was very distinctly proved to us, and, indeed, admitted by Mr. Wilmot, that in several instances a deposit greatly in excess of 25 per cent. was demanded from purchasers, who were thereby precluded from bidding for as many lots as they had intended. One case of peculiar hardship, as it seems to us, was brought under our notice. James Jackson became the purchaser of lot No. 2, at £3 6s. per acre, the deposit on which would be £60, but £70 was demanded. He made no objection, and proffered in payment £59 in Victoria bank notes, £1 Adelaide note, and a cheque of a firm well known in the district for £12 13s. This mode of settlement was refused; and while a friend of Jackson's was handing him cash for the cheque, the lot was put up again, and knocked down to another person at £2 16s.

5. The sale, from the beginning to the close, appears to have been a scene of unparalleled confusion and uproar. All the witnesses examined—and we would here remark that many who had attended to give evidence were not called, as Mr. Coldham stated they could only corroborate what had already been taken—bear testimony to the hurry in which the sale was conducted.

6. From Mr. Quinn's evidence, it appears—and he is not contradicted—that the time occupied in reading the proclamation, offering and selling fifty lots (some of which having been disputed were put up twice), receiving deposits, and signing the sale-book (in the midst of numerous interruptions) was only sixty-two minutes; and, judging from the number of persons who attended the sale anxious and prepared to purchase, we do not believe that a single lot would have been knocked down at the upset price, if proper time had been allowed for bidding. Mr. Quinn affirms very confidently, that generally speaking, when offering each lot for sale, the number of the lots only was read out, while others are equally positive that the numbers of the allotments and section and the acreage extent were read also; but all agree that the description was not read. This appears to have been a serious omission; but Mr. Wilmot explained that, although the purchasers certify according to the articles and conditions of sale, that they have signed their names at the foot of the description of each lot respectively purchased by them, they are required to sign at the bottom of a blank space, which is afterwards filled in in the Survey office.

The allegation that some lots disputed by Mr. Learmonth were put up again, while those disputed by others were not, does not appear to us to be substantiated; and

7. We have every reason to believe that the two lots, said to have been passed over at the sale, though entered into the sale-book as sold to Mr. Learmonth, were duly offered, and that the mistake was attributable solely to the excitement and confusion which prevailed.

We have the honor to be,

Sir,

Your most obedient servants,

(Signed)

J. BLAIR,

THOS. MUST,

CUTHBERT FEATHERSTONHAUGH.

The Hon.
The President of the Board of Land and Works,
Melbourne.

1864.

VICTORIA.

RAILWAY EXPENDITURE.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE W. DEGRAVES.—12TH AUGUST, 1863.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 3RD MAY, 1864,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 26TH MAY, 1864.

1. The name of the Agent-General of the colony.
2. Copy of instructions given to Mr. Childers respecting the railway plant contract.
3. What notices were, or are published in England, calling for tenders for the railway plant, either by the Agent-General, or by Mr. Childers, for this government.
4. Does Mr. Childers alone consider and accept all contracts, or if associated with others, with whom?
5. How many tenders were sent in, in each and every case, and by whom? their amount and conditions respectively? and was any rebate or allowance stated in such tenders, and on what grounds?
6. The details of the sum of £3,257 1s. 3d., amount of discount for cash said to have been allowed; and how the amount has been arrived at, and to what credit placed.
7. Have any trade, manufacturing, or cash discounts, other or beyond the said £3,257 1s. 3d. been allowed? if so, a detailed statement of such discounts upon the supply of machinery and railway materials.
8. Does Mr. Childers, or the Agent-General, engage or contract for freight? or does he engage it through the agency of a London ship broking firm? If the latter, who are the shipping agents for Mr. Childers or the Agent-General, and what remuneration do they receive? and what, if any, discounts are they allowed?
9. Who effects insurances, and in what office or offices have they been effected? What are the rates paid? What, if any, discounts allowed? how credited? and what, if any, commission be paid to the agent or other person for effecting them?
10. What are the rates of freight paid by the Government of Victoria, and where do the owners of the vessels contract to deliver the goods? What are the owners or firms names, and has the Government to pay anything for lighterage or towage? If so, the names of vessels and firm in which such lighterage or cost has been incurred, and the names of the vessels and owners in which it has not been incurred; and the difference, if any, of the freight respectively.
11. Has any machinery been insured? and, if so, to what amount on particular average, and at what rate? and has any money for damage been paid or claimed by the Government?
12. Has the Government been put to any cost, since Mr. Childers has been shipping the goods, for damage to machinery or engines? If so, to what amount?
13. Copy of a detailed statement of all purchases made by Mr. Childers on the part of the Government; from whom, and how the settlement was effected.

W. R. WRIGHT,

Secretary.

RAILWAY EXPENDITURE.

RETURN ORDERED BY THE LEGISLATIVE COUNCIL, ON THE MOTION OF
THE HONORABLE W. DEGRAVES, 12TH AUGUST, 1863.

1. The name of the Agent-General of the colony.

The Agents-General for the colonies are now called the "Crown Agents for the Colonies." Their names are, Penrose Goodchild Julian, and William Charles Sargeant.

2. Copy of instructions given to Mr. Childers respecting the railway plant contract.

See Appendix A.

3. What notices were or are published in England calling for tenders for the railway plant, either by the Agent-General or by Mr. Childers, for this Government.

The general practice has been to issue circulars to a sufficient number of approved manufacturers. The exceptions to this rule have been, first, in some cases, particular firms were mentioned in the orders received from Melbourne. For instance, on Mr. Brunel's recommendation, approved by the Department of Public Works, it was settled that all tools should be

purchased from Messrs. Whitworth and Co., and this has been done. In other cases, manufacturers have a speciality for particular articles; as for instance, Messrs. Ransomes and Sims for keys and tunnels. Thirdly, there are many cases where it is important to select a manufacturer, and for the sake of obtaining uniformity of pattern and make, not to change, unless there be some cause of complaint. In such cases selections have in the first instance been made from competitive tenders, and then, as long as satisfied with the conduct of the manufacturer and the prices, the orders have not been moved. Axle boxes, wheels, and axles; springs, and some similar articles are examples of this class. Fourthly, in some cases small additions have been made to orders already in execution at the same rates.

Under the system of contracts with colonial houses previous to Mr. Childers's appointment, tenders were generally called for by advertisement, and the usual evils arising from this practice were fully realised. Advertisements for supplies of railway plant result in a great number of tenders being sent in from manufacturers of every variety of character, except, indeed, the highest. If the lowest offer is accepted, the chances are largely in favor of an inferior house obtaining the order, and the Government being badly served. If the lower quotations are systematically passed over until a house of reputation is met with, the object of advertising is at once defeated, besides suspicion being created of unfair dealing. Again, many of the manufacturers of highest standing refuse to tender, if they are to be subjected to unlimited competition. For these reasons, Mr. Childers determined to adhere to the practice of the first-class railway and other companies, and only to apply to those whose tenders would be undoubtedly accepted. The result of this proceeding will be seen in the prices paid for the plant sent out under Mr. Childers's supervision. The average prices up to the 1st October last have been:—

Rails	£7	0	0	206 per ton.
Chairs	3	0	0	413 „
Fish plates	6	0	0	99 „
Bolts and nuts	14	0	0	256 „

4. Does Mr. Childers alone consider and accept all contracts? or if associated with others, with whom?

Mr. Childers has invariably opened the tenders himself, in accordance with the instructions of Government. They have then been abstracted under his own eye, and examined by Mr. Brereton, who has advised Mr. Childers upon them, and when rolling stock or locomotives have been involved, in accordance with the instructions of Government, Mr. Sherrock (of the Great Northern Railway) has been associated with Mr. Brereton in advising Mr. Childers.

5. How many tenders were sent in in each and every case, and by whom? their amount and conditions respectively, and was any rebate or allowance stated in such tenders, and on what grounds?

Vide Appendix B, containing a table of tenders received in each case. The manufacturers have been informed (generally in the printed conditions of tender), that they would be paid their price in full, free of any commission or discount, except in the case of particular articles where it is the invariable custom of the trade to purchase with a discount for cash, when this has been provided for distinctly in the printed conditions of contract. It may be added, that of £520,000 paid to manufacturers under Mr. Childers's agency, above £490,000 has been paid under contracts based upon competitive tenders.

6. The details of the sum of £3,257 1s. 3d., amount of discount for cash said to have been allowed, and how the amount has been arrived at, and to what credit placed.

Vide account, Appendix C. (The several amounts therein stated have been credited on the face of each invoice and deducted therefrom before payment.)

7. Have any trade, manufacturing, or cash discount, other or beyond the said £3,257 1s. 3d., been allowed? If so, a detailed statement of such discounts upon the supply of machinery and railway materials.

None except the additional amount of £151, shown in Appendix C.

8. Does Mr. Childers, or Agent-General, engage or contract for freight, or does he engage it through the agency of a London ship broking firm? If the latter, who are the shipping agents for Mr. Childers, or the Agent-General, and what remuneration do they receive, and what, if any, discount are they allowed?

Freights are secured by Messrs. Phillips, Shaw, and Lowther, of 2, Exchange Buildings, London, who act under Mr. Childers's instructions, and invariably consult him when there is any change in the rates to be paid, or when any important contract has to be entered into. They are bound to return all primage and the discount of ten per cent. on insurances, but they retain the five per cent. brokerage on insurances, and receive threepence per ton for clearance charges

and a commission of two and a half per cent. on all shipping charges. The total commission paid to Messrs. Phillips, Shaw, and Lowther for the three from the years 1st October, 1860, to the 1st October, 1863, was £3,469 Os. 4d.; the amount received back and credited to the Government for primage and discount on insurances was, for the same period, £3,914 9s. 8d. The net payments for freight and insurance was £111,974 14s. 5d.

9. Who effects insurances, and in what office or offices have they been effected? What, if any, discounts allowed? how credited? and what, if any, commission be paid to the Agent, or other person, for effecting them?

The insurances are effected, as above stated, by Messrs Phillips, Shaw, and Lowther, under Mr Childers's supervision, who has always been consulted when special rates were demanded. Insurances have been effected chiefly in the "Universal Marine" and "Thamer and Mersey" offices; sometimes in the "Ocean Marine," "Commercial," "Union," and "Victorian," and occasionally at Lloyds. The rates paid for general average (weight) have ranged from 30s. to 35s. per cent. and against all risks from 30s. to £5 5s. The allowances, commissions, &c., have been given in the reply to question 8.

10. What are the rates of freight paid by Government of Victoria, and where do the owners of the vessels contract to deliver the goods? What are the owners' or firms' names, and has the Government to pay anything for lighterage or towage? If so, the names of vessels or firm on which such lighterage or cost has been incurred, and the names of the vessels and owners in which it has not been incurred? and the difference, if any, of the freight respectively?

When Mr. Childers received his first instructions, the rates of freight were as high as 60s. for dead weight. Since then the rates have been as follows:—

	From London.	From Liverpool.
1st October to 30th December, 1860	35s. to 45s.	—
1st January to 30th June, 1861	40s.	45s.
1st July to 31st December, 1861	25s. to 35s.	30s. to 40s.
1st January, 1862, to 1st October, 1863	20s. to 25s.	25s. to 30s.

Mr. Childers gave instructions to the Shipping Agents to stipulate for the ships delivering at Williamstown Pier. Much difficulty was, however, at first found in effecting this arrangement; but latterly owners have more frequently sent their ships to the Government Pier. No preference has been shown to any owners, and plant has been shipped by vessels of nearly every firm running ships to Port Phillip.

The shipowners contract to deliver either at Hobson's Bay or the Williamstown Pier. When deliverable at the Bay, lighterage has been paid at the rate of 5s. per ton.

The names of the ships in which lighterage has been incurred, and those on which it has not been incurred, together with the amount of such lighterage and difference in freight, can be furnished, if desired, at a considerable amount of labor and cost.

11. Has any machinery been insured? and, if so, to what amount, or particular average, and at what rate, and has any money for damage been paid or claimed by the Government?

Machinery, when including bright work, has been insured against all risks. Great difficulty has sometimes been experienced in effecting the insurances, and various rates have been paid. The rate for locomotives has been £5 5s.; for tools, 35s. to 40s. The total amount insured for particular average to the 1st October, 1863, has been £161,340. The sum of £877 10s. 1d. has been claimed and recovered from the underwriters.

12. Has the Government been put to any cost since Mr. Childers has been shipping the goods, for damage to machinery or engines? If so, to what amount?

In the case of machinery and engines shipped under the direction of Mr. Childers there have been some complaints of damage, principally from imperfect packing. The damage done has not, however, been considerable, and on the whole the condition of the articles received has been satisfactory.

13. Copy of a detailed statement of all purchases made by Mr. Childers on the part of the Government; from whom, and how the settlement was effected.

The return contained in Appendix B shows the number of orders for plant given out by Mr. Childers, with particulars—they amount to 134. The mode of settlement has been by the payment of 984 accounts by the Crown Agents for the colonies, upon Mr. Childers's certificate, up to the 1st October last. Copies of the accounts, which are *very voluminous*, can, if desired, be furnished, but at much cost and labor.

APPENDIX A.

On the 16th June, 1860, a copy of the Report of the Legislative Assembly, of the 10th of May, of that year on the Importation of Railway Plant, together with copies of the contracts referred to therein, were forwarded to Mr. Childers by the Honorable The Commissioner of Public Works, with a request that he would superintend the completion of those contracts. Mr. Childers was also informed that, before the departure of the following mail, it was intended to recommend to His Excellency the Governor, to appoint him as Agent for the Railway Department in all future purchases of plant required from England, and that instructions would be furnished for his guidance.

Accordingly, on the 25th July, a letter was forwarded to Mr. Childers, from which the following are extracts embracing the instructions asked for:—

The Honorable J. G. Francis, Commissioner of Public Works, to the Honorable H. C. E. Childers.

"I have now to inform you that since the transmission of my communication of the 16th June, the important subject of the London Agency for this Colony has been anxiously deliberated by the Government, and the conclusion arrived at is, that at present it is not considered desirable to interfere with the existing arrangements of the Colonial Agent-General, as Paymaster for the plant and materials required from England, to complete the Railways now in progress.

"But, the duties hitherto performed by the Contractors in relation to this important business, the Government are now anxious formally to commit to your hands, and you will, therefore, please to consider this letter as investing you with full power and authority to take charge of the same, and to proceed therein according to the directions you have already received, as well as those which now follow, and such further instructions as you may hereafter receive from time to time from this Department.

"The primary object the Government have in view in making this arrangement (as you will have already gathered) is to protect the Colony from a repetition of those gross overcharges and imposition to which it has been subject in the working of the contract for the importation of plant, by transferring a control over the duties heretofore performed solely by the Contractors, to yourself, which controlling direction the Government have every confidence you will perform with complete efficiency and the strictest regard to economy.

"You are already aware that an order was transmitted to Mr. Brereton, on the 19th April last, for certain plant estimated to cost £101,000; and that the following remittances were subsequently made to the Colonial Agent-General to cover it, namely, £53,500 on the 15th of May, and a like sum on the 15th June, amounting together to £111,000.

"That order and subsequent ones will now be placed under the management of yourself and the inspecting officer.

"The Honorable the Treasurer will, by this mail, transmit instructions to Mr. Barnard* to pay all accounts in connection with these transactions on the production of proper documents certified by yourself; and such further remittances will be forwarded to him, as may be deemed necessary, from time to time, to meet the present and future orders.

"In managing this business it will, I think, be requisite for you to obtain the services of some broker or firm of unquestionable respectability, to negotiate for freight or charter; and I would beg to suggest the adoption of some plan of distributing the freight so as not to disturb the current rates by throwing an unnecessarily large amount upon the market at once: for instance, the time of shipment might be spread over different periods within the limits given in the orders (and if equally cheap) different ports might be selected.

"But, as a rule, perhaps it would be better to advertise on the first of every month, that tenders would be received until the fifteenth, for the conveyance to Melbourne of a certain amount of tonnage, from the Port of London (assuming that as the preferred port), in A 1 ships (to be approved by the surveyor), to leave not later than the last day of the following month; and by ruling your receipt of freight to engagements for shipment, or *vice versa*, you would, I think, obtain low rates, and avoid causing a rise in the current ones.

"It will be necessary to leave the consignment of the ships entirely unshackled in the hands of the owner or charterer, as the contrary practice hitherto pursued has, undoubtedly, unfavorably influenced the rates against the Government, under Messrs. Raleighs as well as other contracts.

"You will, of course, cause insurances to be effected of all goods forwarded, covering both the cost and charges, and, in doing so, exercise the usual discretion as to whether the goods should be "subject to" or "free of" particular average, and with each invoice please to transmit duplicate of the policy.

"The Board have never been furnished with any accounts relating to these matters by the Colonial Agent-General, that gentleman having mixed up the Railway Expenditure with the general business of the Colony, and furnished his statements in that form to the Honorable the Treasurer alone.

"It is, however, now very desirable to obtain complete and accurate statements of payments made on account of all previous contracts, namely:—

	Dalgety & Co.'s	Contract.
	De Pass & Co.'s	First do.
	Do.	Second do.
	Raleighs & Co.'s	First do.
	Do.	Second do.

And I shall feel obliged if you will obtain the same from Mr. Barnard, and transmit them as soon as possible—these accounts should show how each separate contract was finally balanced.

"I have also to request that you will be good enough to furnish this Department every mail with an account of your transactions for the previous month, and every six months render an account current of all moneys received and paid.

"The respective duties of the contractors and inspecting officer, in their joint management of the manufacture or purchase and exportation of the plant, are set out with sufficient accuracy in the written contracts with Messrs. Raleighs and Co., and similar duties will, of course, have to be performed with reference to the orders committed to your care.

"In this case the contractors' duties will devolve upon you, and the inspecting officer's will continue to be performed by him as before, with one exception, viz.:—the power conferred on that officer of deciding which tenders for plant shall be accepted.

"Of course, under these contracts it was advisable that the contractors should have no voice in this matter, as their interest must be viewed, to a certain extent, as antagonistic to that of the Government; but in your case the position is reversed, and it is now the desire of the Government that no tenders for plant shall be accepted by the inspecting officer, without your sanction, and of this alteration Mr. Brereton will be informed.

"The tenders for freight will, of course, be determined by yourself alone.

"The services of the inspecting officer for the performance of the duties enumerated in the contracts being necessarily continued as before; and as you will employ an agent to arrange the details of shipments, &c., you will not, of course, require an office or any clerical staff.

(Signed)

"J. G. FRANCIS,
"Commissioner of Public Works."

* The late Mr. Barnard was then Agent-General for the Colonies.

APPENDIX B.

VICTORIAN RAILWAYS.

ABSTRACT RETURN of all Tenders called for and received, and Orders given out, for Railway Plant in England, by HUGH C. E. CHILDERS, Esq., M.P., on behalf of the Board of Land and Works for the Colony of Victoria, from September, 1860, to 1st October, 1863.

Number.	Articles.	Number of Manufacturers invited to Tender.	Number of Tenders received.	Date when Tenders were received or Orders given out.	Tenders accepted.	Date when Abstract of Tenders was forwarded to Melbourne.	Discount allowed in Tender or stipulated for in order.	Remarks.
1 1a 1b	Locomotives, 20	6	6	February 6th, 1861	{ Beyer, Peacock .. 7 Hawthorn .. 7 Slaughter .. 6 }	February 26th, 1861 ..	2½ per cent.	
2 3 3a 3b 3c 3d 3e 3f 3g 3h 3i 3j 3k 3l 3m 3n 3o 3p 3q 3r 3s 3t 3u 3v 3w 3x 3y 3z	Rails, 11,000 tons	8	7	December 9th, 1860	{ Guest .. 6,000 Ebbin Vale .. 2,000 A. Hill .. 1,500 Blaenacon .. 1,500 Warner .. 500 Gilkes Wilson .. 1,500 Anderston .. 1,500 Edington .. 2,000 Hopkins .. 800 L. Bower .. 200 Weston & Grice .. 200 }	January 20th, 1861 ..	Nil.	
4	Chairs, 5,500 tons	6	4	March 16th, 1861	{ Gilkes Wilson .. 1,500 Anderston .. 1,500 Edington .. 2,000 }	March 26th, 1861 ..	Nil.	
5a	Fish plates, 800 tons ..	7	5	March 27th, 1861	{ Hopkins .. 800 L. Bower .. 200 }	April 20th, 1861 ..	Nil.	
5b	Bolts and nuts, 400 tons ..	7	5	March 27th, 1861	{ L. Bower .. 200 Weston & Grice .. 200 }	April 20th, 1861 ..	Nil.	
6	Keys, 348,000	1	1	March 14th, 1861	Ransomes & Sims ..	..	Nil	} The only manufacturers of the kind adopted.
7	Treenails, 696,000	1	1	July 9th, 1861	" .. ..	..	Nil	
8	Ticket cabinets, 20	1	1	March 14th, 1861	" .. ..	..	Nil	
9	Dating presses, 25	1	1	July 9th, 1861	Edmondson .. ..	..	Nil	} Particulars in my letter of 26th October, 1860, No. 13.
10	Screw jacks, 50	1	1	October, 1860 .. ..	" .. ..	..	Nil	
11	3 feet wheels and axles, 200	1	1	January 15th, 1861	England & Co. .. ..	..	10 per cent.	Messrs. England's make ordered from Melbourne.
12	Trees for engine wheels, 20	1	1	December 13th, 1860	Patent Shaft Co. .. ..	..	Nil	} Competition tenders received under previous contracts and these makers afterwards adhered to. A patent article.
13	Tires for 3-6 wheels, 100 ..	1	1	December 3rd, 1860 ..	Ince Forge Co. .. ..	..	Nil	
14	" " 3-0 " 200 ..	1	1	December 7th, 1860 ..	Lowmoor Co. .. ..	..	Nil	} So ordered from Melbourne.
15	Spring steel, 9 tons ..	3	3	December 8th, 1860 ..	Cammell & Co. .. ..	..	Nil.	
16	Stocks and dies, 1 set ; gauge, 2 sets ; rimers, 6 sets ; nut dies and taps, 1 set ..	1	1	December 3rd, 1860 ..	Whitworth & Co. .. ..	..	Nil	} So ordered from Melbourne.
17	Fire bar iron, 20 tons ..	1	1	November 26th, 1860	A. Hill .. ..	..	Nil	
18	Spanish brown paint, 2 casks	1	1	December 1st, 1860 ..	Brown Marshalls .. ..	..	Nil	} Amount small, not worth tenders. To match paint previously sent.
19	Gauge glasses, 5 gross ..	2	2	April 25th, 1861 ..	Thornton & Sons .. ..	..	Nil	
19	<i>Ironwork for 200 Goods Wagons.</i>							
20	Ironwork, 200 sets	1	1	April 24th, 1861 ..	J. Wright & Sons .. ..	..	Nil	} <i>Vide</i> my letter of April 26th, 1861.
21	Springs, 200 sets	1	1	April 23rd, 1861 ..	C. Cammell & Co. .. ..	..	Nil	
22	Axle boxes, 210 sets ..	6	5	May 4th, 1861	Sandford & Owen	May 20th, 1861 ..	Nil.	} <i>Vide</i> remark to No. 11, above.
22	Wheels and axles, 210 sets	1	1	April 18th, 1861 ..	Patent Shaft Co. .. ..	..	Nil	
23	<i>Ironwork for the following Vehicles.</i>							
23	{ Guards vans, goods, 12 ..	6	5	January 23rd, 1862 ..	Olbury Carriage Co.	January 27th, 1862 ..	Nil.	
23	" " " " passengers, 8							
23	Horse boxes, 10							
23	Carriage trucks, 15							
24	Coal wagons, 10	10	8	August 23rd, 1861 ..	R. Brotherhood	August 26th, 1861 ..	Nil.	} Model vehicles made under special instructions.
25	Sheep wagons, 50	8	7	October 25th, 1861 ..	Gloucester Wagon Co.	October 26th, 1861 ..	Nil.	
26	Bullion vans, 6	1	1	January 22nd, 1862 ..	Bray Waddington .. ..	..	Nil	} <i>Vide</i> remarks opposite No. 11, above.
27	Prisoners vans, 4	1	1	January 22nd, 1862 ..	Bray Waddington .. ..	..	Nil	
28	Wheels for all the above, 320 pairs	1	1	July 26th, 1861 ..	Patent Shaft Co. .. ..	..	Nil	} <i>Vide</i> remarks opposite No. 11, above.
29	Springs, 61 sets	1	1	December 9th, 1861 ..	C. Cammell & Co. .. ..	..	Nil	
30	" " 160	1	1	August 13th, 1861 ..	W. Owen .. ..	..	Nil	
31	Axle boxes, 6	1	1	July 26th, 1861 ..	W. Owen .. ..	..	Nil	} August 20th, 1861 ..
32	Switches, left hand, 140 ..	9	7	July 27th, 1861 ..	{ Thomson & Co. Isca Foundry Co. }	..	Nil.	
33	" " right " 80	9	7	July 27th, 1861 ..	{ Thomson & Co. Isca Foundry Co. }	..	Nil.	} So ordered from Melbourne.
34	" " equal tongued 80 ..	9	7	July 27th, 1861 ..	{ Thomson & Co. Isca Foundry Co. }	..	Nil.	
35	Ransomes patterns, 100 ..	1	1	July 24th, 1861 ..	Ransomes & Sims .. ..	..	Nil	} Special pattern. So ordered from Melbourne.
36	Heel chairs, 100 pairs ..	1	1	July 24th, 1861 ..	Ransomes & Sims, 20	..	Nil	
37	Crossings, 340	9	7	July 27th, 1861 ..	{ Isca Foundry Co., 320 Lloyds Forsters }	August 20, 1861 ..	Nil.	} <i>Vide</i> remark opposite No. 11, above. So ordered from Melbourne.
38	Foot plate, iron, 18 tons ..	1	1	July 5th, 1861 ..	J. Laurie & Co. .. ..	..	Nil	
39	Carriage grease, 10 tons ..	1	1	July 10th, 1861 ..	J. Laurie & Co. .. ..	..	Nil	} [Custom of trade to quote a large and varying discount from published prices.]
40	Engine springs, 6 sets ..	2	2	July 26th, 1861 ..	C. Cammell & Co. .. ..	..	32½ per ct.	
41	Augers, 3 gross	1	1	July 10th, 1861 ..	A. Mathieson .. ..	..	32½ per ct.	} Based on tenders previously received, the two latter firms already building identical engines. The best known makers.
39	Locomotives, 24	3	3	October 7th, 1861 ..	Stephenson, 12	2½ per cent.	
39a	Passengers, No. 12							
39b	Goods, No. 12							
40	Spinal springs, 4 dozen ..	1	1	October 10th, 1861 ..	Hawthorn, 6 .. ..	..	2½ per cent.	} To match engines made by the same builder.
41	Engine wheels, 1 set ..	1	1	September 26th, 1861	Spencer & Sons .. ..	..	2½ per cent.	
42	Driving wheels, 1 pair ..	1	1	November 16th, 1861	Beyer, Peacock & Co.	..	Nil	} The patentees of the tires used, and therefore able to quote a low price for the wheels.
43	Driving wheels, without axles, 3 pairs							
44	Leading wheels, with axles, 3 pairs	1	1	November 18th, 1861	Ince Forge Co. .. ..	..	Nil	} <i>Vide</i> remark opposite No. 42, above.
45	Tender wheels, with axles, 5 sets							
46	Driving wheels, 1 pair ..	1	1	November 18th, 1861	Ince Forge Co. .. ..	..	Nil	} <i>Vide</i> remark opposite No. 42, above.
47	" " 6 "							
48	Tender wheels, 4 sets ..	1	1	November 18th, 1861	Ince Forge Co. .. ..	..	Nil	} <i>Vide</i> remark opposite No. 42, above.
49	Side rods, 3 sets							
50	Crank axle and wheels, 1	1	1	November 18th, 1861	Ince Forge Co. .. ..	..	Nil	} <i>Vide</i> remark opposite No. 42, above.
51	Driving wheels, 2 pairs ..							
52	Leading, 6 pairs	1	1	October 29th, 1861 ..	A. Hill .. ..	..	Nil	} <i>Vide</i> remark opposite No. 11, above.
53	Fire bar iron, 20 tons ..							
54	Spring steel, 7 tons ..	1	1	October 30th, 1861 ..	C. Cammell & Co. .. ..	..	Nil	} <i>Vide</i> remark opposite No. 11, above.
55	13 feet turntables, 50 ..	5	5	February 4th, 1862 ..	Orrmerod & Co. 10 ..	..	Nil.	

APPENDIX B.—continued.

Number.	Articles.	Number of Manufacturers invited to Tender.	Number of Tenders received.	Date when Tenders were received or Orders given out.	Tenders accepted.	Date when Abstract of Tenders was forwarded to Melbourne.	Discount allowed in tender or stipulated for in order.	Remarks.	
46 a	13 feet turntables, 50 ..	5	5	February 7th, 1862 ..	Hennet & Co., 40	<i>Vide Mr. Brereton's Report, Enclosure V. 26th February, 1862</i>	Nil.		
47 a	16 feet turntables, 12 ..		3	February 7th, 1862 ..	Ormerod & Co., 6		Nil.		
48	5 ton cranes, 20 ..		5	February 7th, 1862 ..	Cochrane & Co., 6		Nil.		
48 a			Stoher & Co., 10	Nil.					
49 a	2 ton cranes, 20 ..		5	February 7th, 1862 ..	Hennet & Co., 10		Nil.		
50	Engine turntables, 6 ..		6	February 7th, 1862 ..	Cochrane & Co., 10		Nil.		
51 a	Traversers, 20 ..		3	February 4th, 1862 ..	Ormerod & Co., 10		Nil.		
51 b			Hennet & Co., 10	Nil.					
52	Level crossing chairs, 20 tons		1	January 11th, 1862 ..	Ransomes & Sims ..		Nil		Messrs. R. & S. have the patterns. Special quality sought.
53	Wagon covers, 200 ..		2	February 14th, 1862 ..	Don Brothers ..		Nil		
54	Weighing machines, 24 ..	1	January 24th, 1862 ..	H. Pooley & Sons ..	Nil				
55	Treenails, 60,000 ..	1	1	February 20th, 1862 ..	Ransomes & Sims ..	Nil	Messrs. H. P. & Sons have the highest reputation for these. <i>Vide</i> remark opposite No. 7, above.		
<i>Ironwork and Linings for 30 Passenger Carriages.</i>									
56	Ironwork & linings, 27 sets, and three pattern vehicles complete.	4	4	May 12th, 1862 ..	Wright & Sons ..	May 20th, 1862 ..	Nil		
57	Wheels and axles, 60 pairs..	1	1	May 16th, 1862 ..	Patent Shaft Co. ..		Nil	<i>Vide</i> remark opposite No. 11, above. Important to adhere to the same patterns exactly. To old pattern supplied by same maker.	
58	Springs, 30 sets ..	1	1	May 20th, 1862 ..	C. Cammell & Co. ..		Nil		
59	Axle boxes, 30 sets ..	1	1	June 4th, 1862 ..	W. Owen ..		Nil		
60	Lamps, 120 ..	1	1	August 20th, 1862 ..	L. Cutts ..		Nil		
<i>Ironwork for 50 Timber Trucks.</i>									
61	Sample truck and ironwork for 49	6	6	May 12th, 1862 ..	Oldbury Carriage Co. ..	May 20th, 1862 ..	Nil.		
62	Wheels, 100 pairs ..	1	1	May 16th, 1862 ..	Patent Shaft Co. ..		Nil	<i>Vide</i> remark opposite No. 11, above.	
63	Springs, 50 sets ..	1	1	May 20th, 1862 ..	C. Cammell & Co. ..		Nil		
64	Axle boxes, 50 sets ..	1	1	June 4th, 1862 ..	W. Owen ..		Nil		
65	Crank axles, 2 ..	1	1	March 25th, 1862 ..	Beyer, Peacock, & Co. ..		Nil		
66	Treenails, 100,000 ..	1	1	April 25th, 1862 ..	Ransomes & Sims ..		Nil	<i>Vide</i> remark opposite Nos. 6 & 7.	
67	Keys, 200,000 ..	1	1	April 25th, 1862 ..	Ransomes & Sims ..	June 20th, 1862 ..	Nil		
68	Spikes, 200 tons ..	8	8	June 10th, 1862 ..	G. Hopper ..	June 20th, 1862 ..	Nil		
69	Rails, 7,241 tons ..	9	7	June 24th, 1862 ..	Guest & Co., 5,250 A. Hill, 2,000	June 20th, 1862 ..	Nil.		
70	Chairs, 2,800 ..	6	6	August 20th, 1862 ..	Head & Co. ..	August 26th, 1862 ..	Nil.		
71	Pins, 250 ..	11	10	August 20th, 1862 ..	Weston & Grice ..	August 26th, 1862 ..	Nil.		
72	Bolts and nuts, 120 ..	11	10	August 20th, 1862 ..	Hopkins & Co. ..	August 26th, 1862 ..	Nil.		
73	Fish plates, 400 tons ..	5	3	August 20th, 1862 ..	Ransomes & Sims ..	August 26th, 1862 ..	Nil.	<i>Vide</i> remark opposite No. 6, above.	
74	Keys, 300,000 ..	1	1	August 23th, 1862 ..	Ransomes & Sims ..		Nil		
74 a	Taps and dies, 6 boxes	1	1	August 6th, 1862 ..	J. Whitworth & Co. ..		Nil	So ordered from Melbourne.	
74 b	Gas threads, 1 set ..								
75	Wheel lathe, 1 ..	1	1	August 6th, 1862 ..	J. Whitworth & Co. ..		Nil		
75 a	Grindstones, 100 ..	2	2	September 9th, 1862 ..	J. Hickman, 25 R. Kell, 75 ..		Nil	An order given to both houses.	
76	Copper fire box, 1 ..	2	2	August 2nd, 1862 ..	Hawthorn and Co. ..		Nil		
76 a	Half tube plate, 1 ..								
77	Square tube plate, 1 ..	1	1	July 31st, 1862 ..	P. Grenfell ..		3 per cent.	Uniform price in market. Tenders previously received.	
78	Round copper, 4 tons ..	1	1	August 25th, 1862 ..	Waterlow & Son ..		Nil		
79	Railway tickets, 12,000,000.	1	1	August 25th, 1862 ..	Waterlow & Son ..		Nil		
79 a	Mountings for passenger engines, 2 sets ..	2	2	December 20th, 1862 ..	Beyer, Peacock & Co., 1 set Hawthorn & Co., 1 set		Nil.		
80	Mountings for goods engines, 2 sets ..	1	1	December 20th, 1862 ..	Stephenson & Co. ..		2 1/2 per cent.		
81	Tires for the 44 engines, 1 set for each ..	4	4	December 20th, 1862 ..	Stephenson & Co., 12		Nil	<i>All</i> required to match articles previously made by same manufacturers.	
81 a				December 20th, 1862 ..	Beyer, Peacock & Co., 13				
81 b				December 24th, 1862 ..	Hawthorn & Co., 13				
81 c				December 30th, 1862 ..	Slaughter & Co., 6				
82	Springs for the 44 engines, 1 set for each ..	1	1	January 19th, 1863 ..	C. Cammell & Co. ..		Nil.		
83	Lubricators, 1000 ..	1	1	February 23rd, 1863 ..	W. Owen ..		Nil.		
84	Axle boxes, 500 ..	1	1	January 27th, 1863 ..	W. Owen ..		Nil.		
85	Grease, 20 tons ..	1	1	December 17th, 1862 ..	J. Lawrie ..		5 per cent.	So ordered from Melbourne.	
<i>Ironwork for 200 Medium-sided Wagons.</i>									
86	Wheels, 400 pairs ..	1	1	January 17th, 1863 ..	Patent Shaft Co. ..		Nil	<i>See</i> remark opposite No. 11 above.	
87	Springs, 200 sets ..	1	1	January 19th, 1863 ..	C. Cammell & Co. ..		Nil		
88	Axle boxes, 800 ..	1	1	January 17th, 1863 ..	W. Owen ..		Nil		
89	Draw bar springs and buffing gear, 200 sets ..	1	1	January 19th, 1863 ..	C. Cammell & Co. ..		Nil	<i>See</i> remark opposite No. 11 above.	
90	Rails, 630 tons ..	4	4	December 17th, 1862 ..	Guest & Co. ..		Nil	Abstract omitted to be sent in error. Messrs. G. W. & Co. had the patterns.	
91	Chairs, 563 tons ..	2	2	January 15th, 1863 ..	Gilkes & Wilson ..		Nil		
92	Pins, 47 tons ..	1	1	December 16th, 1862 ..	Weston & Grice ..		Nil	Tenders previously received.	
93	Fish plates, 26 tons ..	1	1	December 16th, 1862 ..	Hopkins & Co. ..		Nil	Extension of an order.	
94	Bolts and Nuts, 24 tons ..	1	1	December 16th, 1862 ..	Weston & Grice ..		Nil	<i>Vide</i> remark opposite No. 92 above.	
95	Rails, 560 tons ..	1	1	December 8th, 1862 ..	Plymouth, Forge & Co. ..		Nil	Extension of an order.	
96	Chairs, 397 tons ..	1	1	January 17th, 1862 ..	Head & Co. ..		Nil	Extension of an order.	
97	Pins, 400 tons ..	1	1	December 6th, 1862 ..	Weston & Grice ..		Nil	<i>Vide</i> remark opposite No. 92, above.	
98	Fish plates, 60 tons ..	1	1	December 16th, 1862 ..	Hopkins & Co. ..		Nil	Extension of an order.	
99	Level crossing chairs, 40 tons	1	1	December 27th, 1862 ..	Ransomes & Sims ..		Nil	Messrs. R. & S. have patterns.	
100	Level crossing chairs, 120 tons	1	1	December 27th, 1862 ..	Ransomes & Sims ..		Nil		
101	Fish plates, 60 tons ..	1	1	December 16th, 1862 ..	Hopkins & Co. ..		Nil	Extension of an order.	
102	Bolts and nuts, 25 tons ..	1	1	December 16th, 1862 ..	Weston & Grice ..		Nil	<i>Vide</i> remark opposite No. 92, above.	
103	Augers, 6 gross ..	1	1	December 24th, 1862 ..	Mathieson & Son ..		30 per cent.	So ordered from Melbourne. <i>Vide</i> previous remark.	
104	Crank Axle, 1 ..	1	1	January 26th, 1863 ..	Ince Forge Co. ..		Nil	Made in excess under former order.	
105	Axle boxes, 100 ..	1	1	April 17th, 1863 ..	W. Owen ..		Nil	<i>Vide</i> remark opposite No. 11, above.	
106	Chairs, 400 tons ..	1	1	April 21st, 1863 ..	Gilkes, Wilson & Co. ..		Nil	Extension of an order.	
107	Level crossing chairs, 20 tons	1	1	April 22nd, 1863 ..	Ransomes & Sims ..		Nil	Messrs. R. & S. have patterns.	
108	Intermediate chairs, 10 tons	1	1	April 24th, 1863 ..	Isca Foundry Co. ..		Nil	To match some previously cast by this firm.	
109	Silver passes, 250 ..	1	1	July 24th, 1863 ..	Warwick & Sons ..		Nil	Special.	
110	Grindstones, 400 ..	1	1	June 8th, 1863 ..	R. Cripps ..		2 1/2 per cent.	So ordered from Melbourne.	
111	Grease, 25 tons ..	1	1	August 23rd, 1863 ..	J. Laurie ..		5 per cent.	So ordered from Melbourne.	
112	Tube brushes, 1 gross ..	1	1	October 23rd, 1863 ..	Finneby & Son ..		Nil	Special makers.	
113	Spring steel, 15 cwt. ..	1	1	August 26th, 1863 ..	C. Cammell & Co. ..		Nil	<i>Vide</i> remark opposite No. 11, above.	

APPENDIX C.

STATEMENT showing the details of £3,257 1s. 3d., amount of discount allowed for cash payments from August, 1860, to March 31st, 1863.

Date of Account.	Contractors.	Materials, &c.	Amount of Discount.
1861.			
January 25	J. Freeman	Tire bars	£ s. d.
February 25	Geo. England.. ..	Screw jacks	10 12 4
March 2	J. Freeman	Tire bars	150 0 0
August 16	A. Mathieson and Sons	Tire bars	23 5 0
November 9	Beyer, Peacock, and Co.	Screw augers	1 9 9
" 13	J. Spencer and Sons	Engines	151 0 0
" 25	Beyer, Peacock, and Co.	Springs	0 16 6
		Engines	226 10 0
1862.			
February 19	R. W. Hawthorn	Engines	71 16 4
March 11	Slaughter, Gruning, and Co.	"	71 16 4
April 5	R. W. Hawthorn	"	445 3 10
" 24	"	"	143 12 8
May 2	Beyer, Peacock, and Co.	"	143 12 8
" 1	"	"	226 10 0
June 7	R. W. Hawthorn	"	227 5 0
" 23	"	"	287 5 4
" 30	R. Stephenson and Co.	"	143 12 8
July 23	"	"	159 7 0
August 18	"	"	103 1 3
September 17	"	"	159 7 0
" 24	Pascoe, Greenfell, and Sons	Copper bolts	159 7 0
October 31	R. Stephenson and Co.	Engines	12 6 7
December 10	"	"	159 15 0
" 15	"	"	159 7 0
		Machinery for Engines	20 2 0
1861.			
November 11	Beyer, Peacock, and Co.	Engines	3,257 1 3
			151 0 0*
			£3,408 1 3

* This amount was omitted to be included in the previous return.

1864.

VICTORIA.

LEGISLATIVE COUNCIL.

FIRST REPORT

OF THE

PRINTING COMMITTEE.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE T. H. POWER AND ORDERED BY
THE COUNCIL TO BE PRINTED 17TH FEBRUARY, 1864.

By Authority:

JOHN FERRES: GOVERNMENT PRINTER, MELBOURNE.

REPORT.

In pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report as appears by such Table:—

Subject.	When moved for and by whom.	When laid on Council Table.	By Command.	Report and Remarks of the Committee.
Marriage of His Royal Highness the Prince of Wales.—Despatch from the Right Honorable the Secretary of State (No. 13, 16th Aug., 1863)	26th Jan., 1864	... ..	No order made.
Aborigines—Central Board to watch over interests of.—Third Report, 1863	"	"
Mr. Richard Davis—Report of Board on case of	"	"
Census of Victoria, 1861.—Part IV.—Religion	"	"
Health—Central Board of.—Eighth Report.	"	"
Transportation.—Despatch from Right Hon. the Secretary of State (18th July, 1863)	"	"
Criminal Statistics, 1862	"	"
Land Act, 1862—Proceedings under (31st Dec., 1863)	"	"
Military Contributions.—Despatch correcting clerical error (27th July, 1863).—The Right Hon. the Secretary of State	27th Jan., 1864	... ..	"
Pilot Board Accounts (10th Dec., 1860, to 31st Aug., 1861)	"	"
Pilot Board Accounts (year ending 31st Aug., 1862)	"	"
Public Worship.—Regulations (5th Oct., 1863)	2nd Feb., 1864	... ..	"
Public Accounts.—Regulations (2nd Nov., 1863)	"	"
Sewers and Water Supply.—Balance sheets, 1860, 1861, 1862	"	"
Guano Islands.—Despatch from the Right Hon. the Secretary of State for the Colonies (No. 11, 27th July, 1863) with enclosures	"	"
Admission of Attorneys.—Rule of Supreme Court (15th Oct., 1863)	4th Feb., 1864	... ..	"
St. Arnaud County Court.—Order in Council (7th Sept., 1863)	"	"
Camperdown County Court.—Order in Council (28th Dec., 1863)	"	"

Subject.	When moved for and by whom.	When laid on Council Table.	By Command.	Report and Remarks of the Committee.
St. Arnaud — Court of Mines holden at.—Order in Council (5th Oct., 1863)	4th Feb., 1864	... ..	No order made.
Wedderburne—County Court at, discontinued.—Order in Coun- cil (30th Nov., 1863)	”	”
Korong—Court of Mines at, dis- continued.—Order in Council (30th Nov., 1863)	”	”
Observatory.—Third Report of Visitors (19th Aug., 1863)	9th Feb., 1864	... ..	”
Public Accounts —Regulations (17th Aug., 1863)	”	”
Education—Board of.—General Regulations (25th Jan., 1864)	”	”
Gold Fields Statistics, 1863	16th Feb. 1864	... ..	”
Fees for Crown Grants and Leases. —Regulations (21st Dec., 1863)	”	”
Transportation.—Despatch from the Right Hon. the Secretary of State (26th Dec., 1863)	”	”

Committee Room, Parliament Houses,
17th February, 1864.

THOS. H. POWER,
Chairman.

1864.

VICTORIA.

LEGISLATIVE COUNCIL.

SECOND REPORT

OF THE

PRINTING COMMITTEE.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE W. HULL, AND ORDERED BY THE
COUNCIL TO BE PRINTED 3RD MARCH, 1864.

By Authority:

JOHN FERRES: GOVERNMENT PRINTER, MELBOURNE.

REPORT.

In pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report as appears by such Table:—

Subject.	When moved for and by whom.	When laid on Council Table.	By Command.	Report and Remarks of the Committee.
Board of Education.—Return to Order of Council	Hon. W. H. F. Mitchell, 2nd February, 1864.	16th Feb, 1864.	... ..	Recommended to be printed.
Telegraphic Report of Shipping Arrivals. — Alteration in charge (25th January, 1864)	17th Feb., 1864.	... ..	No order made.
Jamieson County Court.—Order in Council (8th February, 1864)	"	"
Jamieson Court of Mines.—Order in Council (8th February, 1864.)	"	"
Expenditure (1861) under Schedule D to Act 18 and 19 Vic., cap. 55.	23rd Feb., 1864.	... ..	..
Expenditure under Schedule D to Act 18 and 19 Vic., cap. 55, on account of 1862, defrayed during 1862	"
Sanatory Station.—Report of Chief Medical Officer for the year 1863	"	"
Pilot Board—Accounts of, for the year ending 31st August, 1863	"
Lands sold and leased under Land Act of 1862	"

THOS. H. POWER,
Chairman.

Committee Room, Parliament Houses,
1st March, 1864.

1864.
—
VICTORIA.

FIRST REPORT

FROM THE

SELECT (JOINT) COMMITTEE

OF THE

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

ON THE

REFRESHMENT ROOMS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE.

ORDERED BY THE COUNCIL TO BE PRINTED, 19TH APRIL, 1864.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 27TH JANUARY, 1864.

REFRESHMENT ROOMS COMMITTEE (JOINT).—The Honorable M. Hervey, in accordance with notice, moved, That the Honorables W. Highett, S. G. Henty, J. McCrae, R. Turnbull, and W. Degraives, be Members of the Joint Committee of both Houses to manage the Refreshment Rooms and Stables.

Question—put and passed.

TUESDAY, 19TH APRIL.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—The Honorable W. Highett brought up a Progress Report from the Joint Committee of both Houses of Parliament, appointed for the management of the Refreshment Rooms, and moved that the same be printed, and that the consideration of the same be made an Order of the Day for Tuesday, the 26th instant.

Question—put and passed. *

REPORT.

THE Select Committee on the Refreshment Rooms, appointed by your Honorable House, with power to confer with the Select Committee of the Legislative Assembly, have the honor to report the following Resolution at which the Committee have jointly arrived :—

“That the allowance to the Contractor for the Refreshment Rooms be increased by £100 per annum from the 1st January last.”

Committee Room (Parliament Houses),
14th April, 1864.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 14TH APRIL, 1864.

Members present :

The Hon. W. Highett
The Hon. J. McCrae

Mr. Howard
Mr. Snodgrass.

On the motion of the Honorable W. Highett, the Chair was taken by Mr. Howard.

The Comptroller laid before the Committee a communication from the Contractor of the Refreshment Rooms, complaining of losses upon his contract, and asking for relief.

Received.

Mr. Snodgrass moved—That the allowance to the Contractor be increased by £100 from the 1st January last.

Agreed to.

The Committee considered the subject of the amounts due by Members to the Contractor.

Instructions were given to the Comptroller to prepare and post a notice on the subject in the Refreshment Rooms.

The Comptroller laid before the Committee a list of articles required in the Refreshment Rooms, and applied for permission to procure them.

Permission granted, on motion of the Honorable W. Highett.

The Comptroller submitted an account for repairs to cooking utensils incurred during the life of the late Comptroller, and asked for authority of the Committee for the payment of the same.

Granted.

The Committee adjourned.

1864.

VICTORIA.

LEGISLATIVE COUNCIL.

THIRD REPORT

OF THE

PRINTING COMMITTEE.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE DR. HOPE, AND ORDERED BY THE
COUNCIL TO BE PRINTED 20TH APRIL, 1864.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

.....

CHICAGO, ILL.

1957

REPORT.

In pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report, as appears by such Table :—

Subject.	When moved for and by whom.	When laid on Council Table.	By Command.	Report and Remarks of the Committee.
Beechworth District—Court of Mines to be held at Sale—Order in Council (15th February, 1864)	... ..	3rd March, 1864	... ..	No order made.
Water Works—Yan Yean—Return to Order of Council.	Hon. W. Highett, 2nd Feb., 1864	"	... ..	Recommended to be printed.
Board of Education — Second Report.	... ..	8th March, 1864	... ..	No order made.
Statistics of Victoria, 1862 ...	... ..	"	... ..	"
Friendly Societies—Return of (1863)	... ..	"	... ..	"
Public Piers and Wharves—Return to Order of Council	Hon. G. W. Cole, 17th Feb., 1864	"	... ..	Recommended to be printed.
Original Rules of the Board of Education—Return to Order of Council	Hon. W. H. F. Mitchell, 3rd March, 1864	"	... ..	Recommended that so much of this Return be printed as will clearly show the changes which have been made in the Rules.
Rutherglen—Beechworth Court of Mines to be holden at—Order in Council (29th February, 1864)	... ..	10th March, 1864	... ..	No order made.
Rutherglen—County Court to be holden at—Order in Council (29th February, 1864)	... ..	"	... ..	"
Polling Places for Mining District altered—Order in Council (15th February, 1864)	... ..	15th March, 1864	... ..	"
Emigration Commissioners—Summary Report of Emigration to Victoria (19th January, 1864)	... ..	17th March, 1864	... ..	"
Daylesford—Mining Operations within exempted land at—Order in Council (21st March, 1864)	... ..	13th April, 1864	... ..	"
Sandhurst Mining District altered—Order in Council (21st March, 1864)	... ..	"	... ..	"
Sandhurst—Polling Places for Divisions of Mining—District of—Order in Council (21st March, 1864)	... ..	"	... ..	"

Subject.	When moved for and by whom.	When laid on Council Table.	By Command.	Report and Remarks of the Committee.
Sandhurst—Mining District Divisions — Order in Council (21st March, 1864)	13th April, 1864	... ..	No order made.
Volunteer Force — Regulations for (21st September, 1863)	"	"
Statistics of Victoria—Agricultural and Live Stock—For year ending 31st March, 1863	"	"
Transportation—Despatch from Right Honorable the Secretary of State (26th January, 1864)	"	"
Forfeited and New Runs—Return to Order of Council	Hon. F. Robertson, 8th March, 1864	"	... ..	Recommended to be printed.
Board of Education—General Regulations (29th February, 1864)	19th April, 1864	... ..	No order made.
Board of Education — General Regulations (29th February, 1864)	"	"
Occupation of Crown Lands under 53rd clause of the Land Act 1862 (14th March, 1864)	"	"
Occupation of Crown Lands—Fee to be payable for under 80th clause of the Land Act 1862 (14th March, 1864)	"	"
Health Officer—Report for Year ending 31st December, 1863	"	"

R. C. HOPE,
Chairman.

Committee Room, Parliament Houses,
20th April, 1864.

1864.

VICTORIA.

LEGISLATIVE COUNCIL.

FOURTH REPORT

OF THE

PRINTING COMMITTEE.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE DR. HOPE, AND ORDERED BY THE
COUNCIL TO BE PRINTED 17TH MAY, 1864.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

REPORT.

In pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report as appears by such Table :—

Subject.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Postmaster at Epping—Return to an Order of the Council	Hon. J. P. Bear, 3rd March, 1864.	21st April, 1864	... ..	No order made.
Education—Report of Inspector General of Schools (19th January, 1864)	... ..	26th April, 1864	... ..	”
Mining Surveyors and Registrars, Reports of (for quarter ending 31st March, 1864)	... ..	3rd May, 1864	... ..	”
Omeo, Authorized Mining at—Order in Council (4th April, 1864)	... ..	”	... ..	”
Railway Expenditure—Return to an Order of the Council in a previous session	Hon. W. Degraives, 12th Aug., 1863	”	... ..	”
Coldham and Wilmot, Report in case of—Return to an Order of the Council	Hon. S. G. Henty, 20th April, 1864.	11th May, 1864	... ..	Recommended to be printed.
Diseases—Return of (during 1863), from Chief Medical Officer.	... ..	12th May, 1864	... ..	No order made.

R. C. HOPE,
Chairman.

Committee Room, Parliament Houses,
17th May, 1864.

1864.

VICTORIA.

LEGISLATIVE COUNCIL.

FIFTH REPORT

OF THE

PRINTING COMMITTEE.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE DR. HOPE, AND ORDERED BY THE
COUNCIL TO BE PRINTED 26TH MAY, 1864.

By Authority :

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

REPORT.

In pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report as appears by such Table :—

Subject.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Railway Expenditure—Return to an Order of the Council in a previous session	Hon. W. Degraves, 12th Aug., 1863	3rd May, 1864	... ..	Recommended to be printed.
St. Arnaud—Report on Gold and Silver bearing Reefs at	... ..	25th May, 1864	... ..	No order made.

R. C. HOPE,
Chairman.

Committee Room, Parliament Houses,
26th May, 1864.

VICTORIA



VOTES
AND
PROCEEDINGS
OF THE
LEGISLATIVE
COUNCIL

SESSION

1864

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