

VICTORIA.



VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE

COUNCIL.

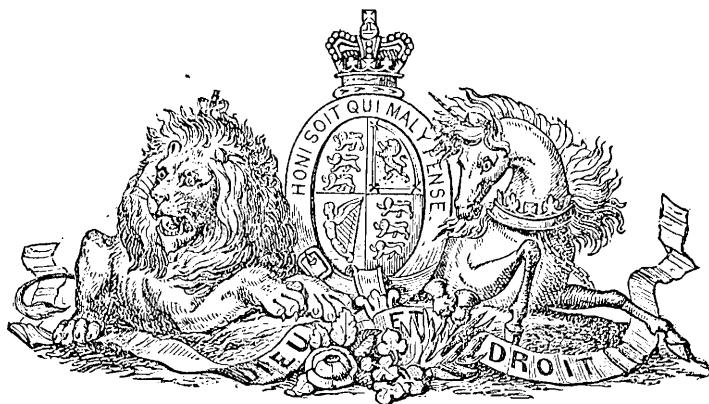
SESSION.

1861-2.

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VICTORIA.



VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

DURING THE SESSION

1861-2,

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

By Authority:

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TABLE OF CONTENTS.

	PAGE
RETURN OF MEMBERS OF THE COUNCIL AT COMMENCEMENT OF SESSION	v
INDEX	vii
PAPERS LAID UPON THE COUNCIL TABLE, NOT ORDERED TO BE PRINTED	xv
SUMMARY ON BILLS INTRODUCED INTO THE COUNCIL	xix
MINUTES OF PROCEEDINGS	1
SELECT COMMITTEES	141
WEEKLY REPORT OF DIVISIONS IN COMMITTEE OF THE WHOLE COUNCIL	143

RETURNS TO ADDRESSES AND ORDERS, AND PAPERS :—

A	1. Defences of the Colony.—(Report of Captain Scratchley)	155
	„ 2. Officials in Parliament Bill.—Despatch	159
	„ 3. South Australian Real Property Bill.—Memoranda	161
	„ 4. Report of South Australian Real Property Law Commission	165
	„ 5. Revenue Returns	175
	„ 6. National Education	177
	„ 7. Shipping in Hobson's Bay—Exposed and defenceless condition of	181
	„ 8. Defence Commission Report	183
	„ 9. Gunpowder imported	189
	„ 10. H.M.C.S.S. <i>Victoria</i> —Expenses of, in New Zealand	191
	„ 11. Department of Railways — Audit Commissioner's Report on the Books and Accounts of	193

REPORTS OF SELECT COMMITTEES :—

D	1. Refreshment Rooms.—First Report	197
	„ 2. Refreshment Rooms.—Second Report	201
	„ 3. Printing.—First Report	205
	„ 4. Library.—First Report	213
	„ 5. Printing.—Second Report	217
	„ 6. Printing.—Third Report	221
	„ 7. Refreshment Rooms.—Third Report	225
	„ 8. Printing.—Fourth Report	229

PETITIONS :—

E	1. Real Property Bill	233
	„ 2. Manhood Suffrage.—Farmers' Association.—Indented Heads, &c.	235

RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 30TH AUGUST, 1861, AT THE
OPENING OF THE SIXTH SESSION OF PARLIAMENT.

Names arranged in the Order of Retirement.	Elected at		Remarks.
	Nomination.	Polling.	
CENTRAL PROVINCE :			
George Ward Cole	20th Sept., 1860.		
Thomas Turner a'Beckett ...	...	21st Sept., 1858.	
William Hull ... ..	...	27th Sept., 1860	
John Pascoe Fawcner ... ..	...	26th Aug., 1856	
Thomas Howard Fellows ... ..	...	11th May, 1858.	
SOUTH PROVINCE :			
William Degraives	18th Sept., 1860.		
John Barter Bennett ... ..	...	28th Sept., 1858.	
Donald Kennedy	}	29th Aug., 1856.	
Thomas Herbert Power			
Joseph Sutherland	21st Jan., 1861	...	Elected instead of Hon. W. J. T. Clarke, resigned.
SOUTH WESTERN PROVINCE :			
John McCrae ... ..	...	8th Oct., 1860.	
George Selth Coppin ... ..	...	7th Oct., 1858.	
James Ford Strachan	}	4th Sept., 1856.	
Robert Culbertson Hope			
James Henty			
WESTERN PROVINCE :			
James Frederick Palmer	5th Oct., 1860.		
Charles Vaughan ... ..	...	15th Oct., 1858.	
Stephen George Henty ... ..	...	11th Sept., 1856.	
Henry Miller ... ..	...	25th Mar., 1858.	
Niel Black ... ..	...	19th Feb., 1858.	
NORTH WESTERN PROVINCE :			
William Henry Fancourt Mitchell	18th Oct., 1860.		
David Elliot Wilkie ... ..	...	1st Nov., 1858.	
Francis Robertson ... ..	...	21st May, 1860.	
Alexander Fraser ... ..	...	13th Sept., 1858.	
George Rolfe ... ..	...	27th April, 1860.	
EASTERN PROVINCE :			
William Highett	5th Oct., 1860.		
Benjamin Williams ... ..	...	25th Oct., 1858.	
Matthew Hervey	}	16th Sep., 1856.	
James Stewart			
Robert Thomson			

INDEX.

	Minutes of Proceedings.	Printed Papers.
	Page	Page
A.		
Aborigines : Central Board to watch over, First Report of : Laid on Council Table ...	17	
Absence (Leave of) { To a Member : Honorable A. Fraser	47	
{ To a Member : Honorable J. B. Bennett	55	
{ To Members : Motion (<i>Honorable J. P. Fawcner</i>)	58	
{ Extended to President	117	
Accounts (Public) : Regulations respecting (23rd September, 1861) : Laid on Council Table	33	
Amended Regulations respecting	125	
Acreage, Assessment, and Capabilities of certain Runs : Motion (<i>Hon. G. Rolfe</i>)	52	
Return Laid on Council Table	55	
Address of Condolence to Queen on Death of Prince Consort : Select Committee appointed to prepare	63	
Adopted	65	
Presentation of, and Reply of Governor thereto	69	
Administration of Law (Justices') Bill : Brought in (<i>Hon. T. H. Fellows</i>) (<i>vide</i> "Summary on Bills")	11	
Agricultural and Live Stock Statistics : Year ending 31st March, 1861, with Preliminary Statistical Notes	105	
Agriculture, Board of : Second Annual Report : Laid on Council Table	27	
Aliens Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	88	
Allotments : Proclamation respecting selection of, (12th August 1861) : Laid on Council Table	14	
Amherst : Farmers Common Proclamation, (4th Nov. 1861) : Laid on Council Table	41	
Anatomy Schools Bill : Brought in (<i>Hon. T. T. a'Beckett</i>) (<i>vide</i> "Summary on Bills")	55	
Appropriation Bill : Motion (<i>Hon. J. P. Fawcner</i>)	117	
Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	125	
Ararat : Town Common Regulation (23rd September, 1861) : Laid on Council Table... ..	41	
Astronomical and Magnetical Observatory : Second and Third Annual Report of Board of Visitors	125	
Attorneys, Solicitors, &c. Bill : Brought in (<i>Hon. T. H. Fellows</i>) (<i>vide</i> "Summary on Bills")	29	
Auriferous Land : Regulations for Mining Leases : Order in Council (16th September, 1861) : Laid on Council Table	27	
B.		
Bairnsdale Town Common altered : Proclamation (30th September, 1861) : Laid on Council Table	31	
Ballaarat and Maryborough Mining District : Additional Polling places : Order in Council (17th February, 1862) : Laid on Council Table	57	
Ballaarat Gaol Reserve, Mining under : Order in Council (19th August, 1861) : Laid on Council Table	9	
Bank Notes Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	74	
Bankruptcy Court Bill : Brought in (<i>Hon. T. H. Fellows</i>) (<i>vide</i> "Summary on Bills")	31	
Barristers' Admission Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	40	
Beechworth District Court of Mines at Morse's Creek : Order in Council (17th March, 1862) : Laid on Council Table	77	
Belmont Town Common : Rules for Management of (24th September, 1861) : Laid on Council Table	31	
Belvoir Town Common : Proclamation (2nd September, 1861) : Laid on Council Table	25	
Bet Bet Farmers Common : Amended description of (30th July, 1861) : Laid on Council Table	9	
Bong Bong Farmers Common enlarged : Proclamation (21st October, 1861) : Laid on Council Table	41	
Botanist (Government) Annual Report of (10th March, 1862) : Laid on Council Table	69	
Burke and Wills, Victorian Explorers : Report of Commissioners appointed to enquire into the circumstances connected with the Sufferings and Death of : Laid on Council Table	55	
Burke, R. O'Hara, Esq. : Instructions to (18th August, 1860) : Laid on Council Table }	53	
Despatch to (24th June, 1861) : Laid on Council Table		
Burnt Creek Gold Fields Common : Proclamation (17th March, 1862) : Laid on Council Table	93	

	Minutes of Proceedings.	Printed Papers.
	Page	Page
C.		
Call of Council : Ordered	31, 63	
Called on	33, 73	
Carisbrook Town Common . Regulation (23rd September, 1861) : Laid on Council Table	41	
Casting vote of Acting President	51	
Cattle Disease Prevention Bill : Brought in (<i>Hon. W. H. F. Mitchell</i>) (<i>vide</i> "Summary on Bills")	34	
Chairman of Committees : Election of	9	
Accident to	101	
Appointment of Hon. C. Vaughan, for one day	102, 105, 109	
During absence of Hon. R. Thomson	110	
Chinese Immigrants Acts Amendment Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	52	
Church of England Temporalities Bill : brought in (<i>Hon. T. T. a'Beckett</i>) (<i>vide</i> "Summary on Bills")	37	
Civil Service Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	94	
Clerk of Council : Letter on subject of Leave of Absence : Laid on Council Table ...	83	
Illness of : Announced by Acting President	87	
Appointment of Mr. Comyns	105	
Relative to swearing in of Clerk		
Clunes Town Common : Regulations (23rd September, 1861) : Laid on Council Table	41	
Codrington Farmers Common altered : Proclamation (17th February, 1862) : Laid on Council Table	57	
Commission for opening Parliament	1	
Common Law Practice Act Amendment Bill : Brought in (<i>Hon. T. H. Fellows</i>) (<i>vide</i> "Summary on Bills")	15	
Common Schools Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	118	
Consolidated Revenue Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	98	
Country Lands : Occupation Licences, Modification of (25th September, 1861) : Laid on Council Table	29	
Cranbourne Town Common altered : Proclamation (11th November, 1861) : Laid on Council Table	41	
Creswick Farmers Common abolished : Proclamation (28th October, 1861) : Laid on Council Table		
Criminal Statistics, 1859 : Laid on Council Table	17	
1860 : Laid on Council Table	81	
Crown Lands alienated : Return of (1st April to 30th June, 1861) : Laid on Council Table	31	
Under Act 24 Victoria, No. 117 (from 1st July to 30th September, 1861) : Laid on Council Table	47	
From 1st October to 31st December, 1861	109	
Crown Lands Resolutions : Motion : (<i>Hon. G. Rolfe</i>)	33	
Discharged from paper	39	
Crown Lands Sale and Occupation Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	79	
Map referred to in	101, 105	
Clerical errors in Bill : Ordered to be corrected	118	
Customs Laws Amendment Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	56	
D.		
Days of Business : Motion	10	
Government : Motion		
Death of H.R.H. Prince Consort : Select Committee appointed to prepare Address of Condolence to Queen	63	
Report adopted	65	
Defence Commission : Motion for Address for papers in reference to Commodore Seymour's communication to Governor (<i>Hon. W. Hull</i>)	69	
Return { Laid on Council Table	77	
{ Ordered to be printed	79	183
Defenceless Condition of the Colony : Motion : (<i>Hon. W. Hull</i>)	44	
Despatch from R. O'Hara Burke, Esq., (24th June, 1861) : Laid on Council Table ...	53	
Despatch from the Major General Commanding to His Excellency the Governor (28th November, 1861), with Report of Captain Scratchley, R.E. : Laid on Council Table and ordered to be printed	45	155
Diseases : Return of, in Establishments under charge of Chief Medical Officer, for year 1861 : Laid on Council Table	105	
Distillation Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	112	
Divorce Act Amendment Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	45	
Divorce and Matrimonial Causes : Supreme Court Rules, (18th September, 1861) : Laid on Council Table	17	
Fees of Court in : Scale of (2nd October, 1861) : Laid on Council Table ...	31	
E.		
Election of Member : Hon. W. H. F. Mitchell	39	
Elections and Qualifications : Warrant Laid on Council Table	10, 13, 15	

	Minutes of Proceedings.	Printed Papers.
	Page	Page
Electoral Act Suspension Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	66	
Electors, Registration of Parliamentary: Payments under 22 Victoria, No. 81, sec. 30 : Laid on Council Table	33	
Electric Telegraph Department : Report for 1861 : Laid on Council Table	81	
Experimental Farm: Leave to Hon. W. H. F. Mitchell to give evidence before Committee of Assembly : Motion (<i>Hon. J. P. Strachan</i>)	98	
Explorers (The) : Burke and Wills: Motion expressive of regret, &c. (<i>Hon. Dr. Wilkie</i>)	37	
F.		
Farmers Commons : Proclamation of { (15th July, 1861) } { (22nd July, 1861) } { (17th June, 1861) } { (12th August, 1861) }	9	
Avoca and Croxton West : Proclamation of, (19th August, 1861) : Laid on Council Table	15	
Proclamation of (16th September, 1861) : Laid on Council Table	29	
Depasturing Sheep on : Proclamation prohibiting (28th August, 1861) : Laid on Council Table	31	
Hamilton and Bochara Wild Duck Creek: Proclamation (25th November, 1861) : Laid on Council Table	41	
South Barnawartha, South Wooragee : Proclamation (25th November, 1861) : Laid on Council Table	43	
Codrington, &c. : Proclamation (30th December, 1861) : Laid on Council Table	117	
Sandford : Proclamation (5th May, 1861) : Laid on Council Table	125	
(North side of Kyneton, &c.) : Altered (5th June, 1862) : Laid on Council Table	132	
Federal Union : Motion (<i>Hon. W. H. F. Mitchell</i>)	98	
Fisheries Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	95	
Fortifications of Harbor: Motion for Address to Governor (<i>Hon. G. W. Cole</i>)	97	
And Defences: Select Committee to prepare Address, Motion for (<i>Hon. J. P. Fawcner</i>)	101	
Report of Committee { Brought up } { Adopted }	109	
Presentation of Address to Governor, Announcement of Governor's Reply thereto	113	
Frauds on Creditors Prevention Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary of Bills")	74	
Friendly Societies, Return of, registered during 1861: Laid on Council Table	51	
Fryer's Creek, Mining under reserved land at: Order in Council (13th January, 1862) : Laid on Council Table		
G.		
Game Preservation Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	135	
Gisborne Town Common enlarged: Proclamation of (15th July, 1861) : Laid on Council Table	9	
Gold Export Duty Act Amendment Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	56	
Gold Export Duty Exemption Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	66	
Substitution for one sent by mistake: Motion for (<i>Hon. W. H. F. Mitchell</i>) ...	70	
Gold Fields Commons: District between Maryborough and Amherst, Sago Hill and Campbell's gully: Proclamation (21st October, 1861) : Laid on Council Table	41	
Statistics, 1861: Laid on Council Table	57	
Gold Mining Leases Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	114	
Government Botanist, Annual Report of (10th March, 1862) : Laid on Council Table	69	
Governor's Salary Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	81	
Graziers' Licence Regulations for Gold Fields Common: Proclamation (10th June, 1861) : Laid on Council Table	9	
Additional Regulation (13th November, 1861) : Laid on Council Table	41	
Gunpowder imported: Motion (<i>Hon. G. W. Cole</i>)	74	
Return { Laid on Council Table } { Ordered to be printed }	81	
	97	189
H.		
Hamilton County Court: Abridgment of Interval: Order in Council (4th November, 1861) : Laid on Council Table	39	
Hamilton (South) Farmers Common: Proclamation (4th November, 1861) : Laid on Council Table	41	
Hamilton Town Common enlarged, Proclamation of (15th July, 1861) : Laid on Council Table	9	
Health, Central Board of: Sixth Annual Report: Laid on Council Table		
Health Officer, Report for 1861: Laid on Council Table	87	

	Minutes of Proceedings.	Printed Papers.
	Page	Page
Heathcote Gold Field Common enlarged, Proclamation of (30th July, 1861): Laid on Council Table	9	
Hepburn Gold Fields Common: Proclamation (19th August, 1861): Laid on Council Table	15	
Howitt, A. W., Supplementary instructions to (4th July, 1861): Laid on Council Table	77	
I.		
Imperial Staff in the Colony, Maintenance of: Motion (<i>Hon. W. Hull</i>)	109	
Injuries Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	98	
Instructions to: R. O'Hara Burke, Esq. (18th August, 1860): Laid on Council Table	53	
Commander Norman of H.M.C.S. <i>Victoria</i> (30th July, 1861): Laid on Council Table		
Leader of Second Queensland Party (29th July, 1861): Laid on Council Table		
A. W. Howitt, Esq. (24th June, 1861): Laid on Council Table	77	
Supplementary, to (4th July, 1861): Laid on Council Table	56	
Mr. F. Walker (20th July, 1861): Laid on Council Table	17	
Inventors' Rights Protection Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	43	
Irrewarra Farmers Common altered: Proclamation (9th December, 1861): Laid on Council Table		
J.		
Jones's Creek Gold Field Common, Proclamation of (30th July, 1861): Laid on Council Table	9	
K.		
Kent, Duchess of: Despatch acknowledging receipt of Address: Laid on Council Table	33	
Kerrit Barreet Farmers Common, Proclamation of (10th June, 1861): Laid on Council Table	9	
Kilmore Town Common Regulations (23rd September, 1861): Laid on Council Table	41	
Korong Road, Mining under: Order in Council (26th August, 1861): Laid on Council Table	15	
L.		
Laanecoorie Farmers Common: Proclamation (30th December, 1861): Laid on Council Table	57	
Library Committee (Joint): Appointed	11	
First Progress Report } Brought up and ordered to be printed	57	213
Adopted	70	
Appointment of Hon. W. Hull on	114	
Licences: Residence and Cultivation Regulations (5th July, 1861): Laid on Council Table	9	
Licensed Publicans Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	126	
Lot, Regulation respecting selection of Allotments by: Proclamation of (12th August, 1861): Laid on Council Table	9	
M.		
MacDonnell, Sir Richard: Motion for chair to be placed for (<i>Hon. W. H. F. Mitchell</i>)	65	
Mails, Contract for carriage of: Agreement (16th April, 1861): Laid on Council Table	39	
Mail Service: Despatch from Secretary of State for the Colonies, with Correspondence (26th April, 1861): Laid on Council Table	39	
Map referred to in Land Bill: Motion (<i>Hon. D. Kennedy</i>)	101	
Ordered to be transferred to custody of Librarian	105	
Maryborough: Division of Maryborough Mining District Polling Places altered: Order in Council (4th November, 1861): Laid on Council Table	39	
Polling Places in Mining District altered (27th January, 1862): Laid on Council Table	51	
Medical Practitioners Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	130	
Melbourne and Geelong Corporations Amendment Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")		
Melbourne and Suburban Railway Sale Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	58	
Melton Town Common enlarged: Proclamation (13th January, 1862): Laid on Council Table	45	
Meredith Town Common, Proclamation of (12th August, 1861): Laid on Council Table	9	
Merino and Moolort Farmers Commons: Proclamation (9th December, 1861): Laid on Council Table	41	
Merino Town Common enlarged: Proclamation (9th December, 1861): Laid on Council Table	43	

	Minutes of Proceedings.	Printed Papers.
	Page	Page
Mepunga Farmers Common : Proclamation (25th November, 1861): Laid on Council Table	41	
Message from His Excellency the Governor, confirming intelligence of Death of Prince Consort	63	
Messages from Legislative Assembly—		
Transmitting Inventors' Rights Protection Bill	17	
Acquainting Council that they have given leave to Member (Hon. G. B. Humfray) to attend as witness	33	
Transmitting Statutes Construction Bill and Barristers' Admission Bill	40	
Transmitting Divorce Act Amendment Bill	45	
Transmitting Address to Queen : Branch of Royal Mint	47	
Transmitting Chinese Immigrants Acts Amendment Bill	52	
Transmitting Customs Act Amendment Bill and Gold Export Duty Act Amendment Bill	55	
Transmitting Passengers Act Amendment Bill	56	
Transmitting Scab Act Amendment Bill	56	
Transmitting Melbourne and Suburban Railway Sale Bill	57	
Transmitting Copies of Report and Evidence on above	58	
Desiring correction to be made in Passengers Act Amendment Bill	65	
Transmitting Address of Condolence to the Queen, on Death of the Prince Consort, for concurrence therewith	66	
Transmitting Electoral Act Suspension Bill and Gold Export Duty Exemption Bill	66	
Substituting Gold Export Duty Exemption Bill for another copy sent by mistake	70	
Transmitting Real Property Bill	73	
Transmitting Pleuro-Pneumonia Bill, Frauds upon Creditors Bill, and Bank Notes Bill	74	
Transmitting Crown Lands Sale and Occupation Bill	79	
Transmitting Governor's Salary Bill	81	
Returning Customs' Laws Amendment Bill	83	
Transmitting Aliens Bill	83	
Returning Real Property Bill	88	
Returning Electoral Act Suspension Bill	88	
Returning Customs' Laws Amendment Bill, with Amendments agreed to	88	
Requesting leave for Honorable T. H. Fellows to be examined as a witness before Select Committee on Pensions Bill	92	
Transmitting Civil Service Bill	94	
Transmitting Bodily Injuries, Consolidated Revenue, and Preferable Lien on Crops Bills	97	
Transmitting Fisheries Bill	97	
Requesting leave for Honorable W. H. F. Mitchell to give evidence before Select Committee on Experimental Farm	98	
Acquainting Legislative Council of agreement to certain resolutions on Customs Amendment Bill	98	
Returning Scab Act Amendment Bill	98	
Returning Frauds upon Creditors Bill	98	
Acquainting Legislative Council of a clerical error in Scab Act Amendment Bill	102	
Transmitting Distillation Bill	112	
Transmitting Gold Mining Leases Bill	112	
Returning Injuries Bill	114	
Returning Aliens Bill	114	
Transmitting Common Schools Bill	114	
Transmitting Letter from Clerk of Parliaments, reporting Clerical Errors in Land Bill	118	
Transmitting Railway Loan Bill	118	
Returning Distillation Bill	122	
Transmitting Appropriation Bill	122	
Transmitting Resolutions respecting Federal Union	125	
Returning Fisheries Bill	125	
Transmitting Opium Bill	125	
Returning Weights and Measures Bill	125	
Transmitting Melbourne and Geelong Corporations Acts Amendment Bill	126	
Returning Mining Leases and Preferable Lien on Growing Crops Bills	126	
Transmitting Licensed Publicans Bill, and Quartz Reefs' Drainage Bill	126	
Returning Civil Service Bill	126	
Returning Administration of Law (Justices) Bill	126	
Returning Church of England Temporalities Bill	126	
Transmitting Medical Practitioners Bill	130	
Returning Schools of Anatomy Bill	130	
Transmitting Report and Proceedings of Select Committee on Melbourne and Geelong Corporations Acts Amendment Bill	131	
Returning Civil Service Bill, with reasons for disagreeing to Amendments	132	
Transmitting Game Preservation Bill	135	
Mining Districts altered : Orders in Council (3rd July, 1861): Laid on Council Table	9	
Leases, Regulations for : Order in Council (2nd September, 1861): Laid on Council Table	17	
Lease of Mineral Lands, Amended form of : Order in Council (3rd February, 1862): Laid on Council Table	57	
Mining Operations under New Inglewood Reservoir, and at Daylesford : Order in Council (22nd July, 1861): Laid on Council Table	9	
Mint, Royal: Address to Queen: Message from Legislative Assembly, transmitting... ..	47	
Motion to agree to Address adopted by Assembly (Hon. F. Robertson)	51	
Morrison's Diggings Gold Fields Common enlarged : Proclamation (26th August, 1861): Laid on Council Table	17	

	Minutes of Proceedings.	Printed Papers.
	Page	Page
Morse's Creek, County Court transferred from Buckland to : Order in Council (17th March, 1862) : Laid on Council Table	77	
Mount Egerton Gold Fields Common, Proclamation of (12th August, 1861): Laid on Council Table	9	
Mulgrave Farmers Common : Proclamation (10th February, 1862): Laid on Council Table	57	
N.		
National Education : Eighth Report of Commissioners : Laid on Council Table	57	
Motion for Return of Correspondence on subject of (<i>Hon. T. H. Power</i>)	65	
Return to Order (19th March, 1862): { Laid on Council Table	73	177
{ Ordered to be printed	79	
Board of, Rule : Examination and Salaries of Teachers : Laid on Council Table	87	
Navarre Gold Fields Common, Proclamation of (26th August, 1861) : Laid on Council Table	17	
New Member (<i>Hon. W. H. F. Mitchell</i>) sworn	39	
O.		
Occupants of Runs, Refunds to : Laid on Council Table	111	
Occupation Licences for Agricultural Purposes—		
Motion for Committee to prepare Address (<i>Hon. W. H. F. Mitchell</i>)	19, 20	
Address brought up and adopted	21, 22	
Reply of Governor to Address on		
Occupation Licences : Regulations for Country Lands (27th August, 1861) : Laid on Council Table	25	
Offences under 24 Vic., No. 117: Proclamation (29th August, 1861): Laid on Council Table		
Officers of the Council : Resignation of Mr. Rusden		
Appointment of Mr. Comyns	105	
Appointment of Mr. Finn		
Officials in Parliament Act : Despatch from Right Hon. Secretary of State (12th August, 1859) with Enclosures : Laid on Council Table	17	
Return ordered to be printed	53	159
Omeo Division of Mining District of Beechworth altered : Order in Council (30th December, 1861): Laid on Council Table	43	
Opium Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	126	
Order of Court of Mines, Ballaarat : Select Committee appointed	23	
Message to Assembly requesting attendance of <i>Hon. J. B. Humffray</i> as a witness on	13	
P.		
Parliament : Proclamation convening, read	1	
Buildings : Select Committee (Joint) appointed	11	
Speech, prorogation, delivered	139	
Prorogued		
Passengers Act Amendment Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	56	
Motion for correction of Clerical Errors in	66	
Pensions Bill : Leave to <i>Hon. T. H. Fellows</i> to give evidence before Select Committee of Legislative Assembly	92	
Petition : From D. Prophet : Scotch Procurators Bill	25	
From Valentine Hellicar : Branch of Royal Mint	51	
From A. M. Campbell and others : Electoral Registration Laws	53	
Petition ordered to be printed	79	235
From Edward Gibson and others in Geelong : Real Property Bill	55	
From Daniel Wallace, and others, at Castlemaine; James Richardson and others, Melbourne; and Thomas Douglas and others, Colac : Real Property Bill	74	
From James Richardson and others, Melbourne : Ordered to be printed	76	233
From Thomas Lang : Real Property Bill		
From J. J. Falconer and others : Bank Notes Bill	77	
From W. S. Garlick and others : Real Property Bill		
From Henry Coward and others : Licensed Victuallers Act Amendment Bill	113	
From D. J. Draper and others : Common Schools Bill	119	
From William Bell and others : Railway Loan Bill		
Pilot Board : Accounts for Years 1859 and 1860	121	
Pleuro-Pneumonia Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	74	
Preferable Lien on Crops Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	97	
President of Council : Probable time of return intimated by Acting President	83	
Prince Consort, Death of : Select Committee appointed to prepare Address of Condolence to Queen	63	
Address adopted	65	
Presented, and Reply of Governor thereto	69	

	Minutes of Proceedings.	Printed Papers.
	Page	Page
. Printing Committee: Appointed	11	
First Progress Report { Brought up and ordered to be printed	51	205
{ Adopted	53	
Second Progress Report : Brought up, adopted, and ordered to be printed	79	217
Third Progress Report : Brought up, adopted, and ordered to be printed	97	221
Fourth Progress Report : Brought up, adopted, and ordered to be printed	127	229
Proclamation convening Parliament, read	1	
Public Accounts : Supplementary Regulation: Laid on Council Table	111	
Public Worship: Additional Regulations (19th August, 1861): Laid on Council Table	14	
Purnim and Cooramook Farmers Common: Proclamation (13th February, 1862): Laid on Council Table	51	
Pyalong Farmers Common: Proclamation (21st January, 1862): Laid on Council Table	45	
Q.		
Quarry Reserve, Ballaarat West: Mining under: Order in Council (12th August, 1861): Laid on Council Table	9	
Quartz Reefs, Yield of Gold from: Memorandum (28th April, 1862): Laid on Council Table	93	
Queensland Government: Despatch from Right Honorable Secretary of State, with Act 24 and 25 Vic., cap. XLIV.: Laid on Council Table	33	
R.		
Railway Accounts Audit: Motion (<i>Hon. G. Rolfe</i>)	114	
Railway Loan Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	118	
Railways, Department of: Audit Commissioner's Report: Laid on Council Table	111	
Return ordered to be printed	127	193
Real Property Act Amendment Bill (South Australia), and Memoranda by Real Property Law Commission in South Australia: Laid on Council Table	44	
Memoranda ordered to be printed	53	161
Real Property Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	73	
Motions (<i>Hon. J. P. Fawkner; Hon. G. Rolfe</i>)	101, 114	
Real Property Law Commission: Report of (15th November, 1861): Laid on Council Table	45	
Return ordered to be printed	53	165
Reefs' Drainage Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	126	
Refreshment Rooms Committee (Joint): Appointed	10	
Appointment of <i>Hon. W. Hull</i> on	54	
First Progress Report { Brought up and ordered to be printed	33	197
{ Adopted	39	
Second Progress Report { Brought up and ordered to be printed	47	201
{ Adopted	52	
Third Progress Report { Brought up and ordered to be printed	121	225
{ Adopted	132	
Residence and Cultivation Licences: Regulations (7th October, 1861): Laid on Council Table	29	
Revenue Returns: Motion (<i>Hon. T. H. Fellows</i>)... ..	57	
Laid on Council Table and ordered to be printed	70	175
Royal Assent to Bills	{ 43, 66, 93,	
	{ 135, 136	
Royal Mint: Address to Queen: Message from Legislative Assembly transmitting	47	
Motion (<i>Hon. F. Robertson</i>)	51	
S.		
Sandhurst: Gold Fields Common enlarged: Proclamation (25th November, 1861): Laid on Council Table	41	
Additional Polling Place of, Mining District (3rd February, 1862): Laid on Council Table	51	
Sandy Creek Gold Fields Common: Proclamation of (22nd August, 1861): Laid on Council Table	9	
Sanford Farmers Common: Proclamation (5th May, 1862): Laid on Council Table... ..	117	
Sanitary Station: Chief Medical Officer's Report on, 1860: Laid on Council Table	9	
Scab Act Amendment Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	56	
Schedule D, Expenditure under: During 1860, on account of 1859	}	
During and on account of 1860		
Laid on Council Table		
Scotch Procurators Bill: Brought in (<i>Hon. G. Rolfe</i>) (<i>vide</i> "Summary on Bills")	13	
Shipping in Hobson's Bay: Motion (<i>Hon. W. Hull</i>)	57	
Return { Laid on Council Table... ..	77	
{ Ordered to be printed	79	181
Smythesdale County Court: Order in Council (17th February, 1862). Jury List at Smythesdale to be made: Order in Council (24th February, 1862): Laid on Council Table	77	

	Minutes of Proceedings.	Printed Papers.
	Page	Page
Smythesdale Town Common: Proclamation of (15th July, 1861): Laid on Council Table	9	
Regulations for (13th January, 1862): Laid on Council Table		
South Australia: Report of Real Property Commission (15th November, 1861): Laid on Council Table	45	
Speech of Governor: Opening Parliament	3, 4, 5	
Read by Acting President	5	
Address in reply to	5, 6	
Presentation of Reply to	11	
Proroguing Parliament	136-7-8-9	
Squattages taken into the ten millions of acres open for selection: Return of: Motion (<i>Hon. J. P. Fawcner</i>)	109	
Standing Order No. XXIV. suspended	5, 31	
Standing Orders on Private Bills suspended	61	
Standing Orders: Select Committee appointed	11	
Suspension of: Motion for	132	
St. Andrew's Division of Castlemaine Mining District: Alteration of: Order in Council (9th September, 1861). Castlemaine Mining District: Alteration of: Order in Council (9th September, 1861): Laid on Council Table	25	
Statistics of Victoria, 1860: Laid on Council Table	39	
Statutes Construction Bill: Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	40	
Steiglitz Gold Fields Common enlarged: Proclamation (12th August, 1861): Laid on Council Table	9	
Subpœna of Supreme Court: Motion for Clerk to attend	31	
Swearing in of Members: Commission for	10	
T.		
Taranaki Relief Fund: Communication from Speaker of House of Representatives, Auckland, New Zealand	21	
Trade and Customs Return, 1860: Laid on Council Table	9	
Ditto, 1861: Laid on Council Table	125	
U.		
University of Melbourne: Report of, year ending 31st May, 1861: Laid on Council Table	9	
Report of Proceedings of Council, 1861-2: Laid on Council Table	125	
Upper Plenty Farmers Common altered: Proclamation (24th February, 1862): Laid on Council Table	77	
Usher: Illness of the	43	
V.		
Victoria, Colonial Sloop of War: Expenses in New Zealand, &c.: Laid on Council Table	95	
Return ordered to be printed	97	191
Victoria, H.M.C.S.: Instructions to Commander: Motion (<i>Hon. W. Hull</i>)	48	
Victorian Exploration: Report of Commander Norman, &c.: Laid on Council Table	85	
Volunteer Force, Motion for Thanks to, &c. (<i>Hon. J. P. Fawcner</i>)	81	
W.		
Wangaratta Town Common: Proclamation (13th January, 1862): Laid on Council Table	45	
War with America: Circular Despatch from Right Hon. Secretary of State for the Colonies (26th December, 1861): Laid on Council Table	63	
Ditto (22nd January, 1862): Laid on Council Table		
Weights and Measures Bill: Brought in (<i>Hon. Dr. Wilkie</i>) (<i>vide</i> "Summary on Bills")	5	
Weights and Measures Bill (2): Brought in (<i>Hon. T. H. Fellows</i>) (<i>vide</i> "Summary on Bills")	11	
Wendouree Parade, Ballaarat West, Mining under: Order in Council (19th August, 1861): Laid on Council Table		
Wendouree Swamp: Mining under, Durham Gold Mining Company: Order in Council (15th July, 1861): Laid on Council Table	9	
Mining under, Royal Saxon Company: Order in Council (2nd July, 1861): Laid on Council Table		
Winchelsea Town, Alteration of: Proclamation (4th November, 1861): Laid on Council Table	41	
Wyndham Town Common altered: Proclamation (28th October, 1861): Laid on Council Table		
Y.		
Yulecart and Audley Farmers Commons: Proclamation (10th March, 1862): Laid on Council Table	77	

PAPERS LAID ON THE COUNCIL TABLE,
NOT ORDERED TO BE PRINTED.

- 1861.
- 4th Sept. 1. University of Melbourne—Report of, year ending 31st May, 1861.
2. Trade and Customs Return—1860.
- ” 3. Mining Operations under New Inglewood Reservoir and at Daylesford.—Order in Council (22nd July, 1861).
- ” 4. Wendouree Swamp—Mining under, Durham Gold Mining Company.—Order in Council (15th July, 1861).
- ” 5. Mining Districts altered.—Orders in Council (3rd July, 1861).
- ” 6. Wendouree Swamp—Mining under, Royal Saxon Company.—Order in Council (2nd July, 1861).
- ” 7. Quarry Reserve, Ballaarat West—Mining under.—Order in Council (12th August, 1861).
- ” 8. Sanitary Station—Chief Medical Officer’s Report on.—1860.
- ” 9. Health, Central Board of.—Sixth Annual Report.
- ” 10. Wendouree Parade, Ballaarat West—Mining under.—Order in Council (19th August, 1861).
- ” 11. Ballaarat Gaol Reserve—Mining under.—Order in Council (19th August, 1861).
- ” 12. Meredith Town Common—Proclamation of (12th August, 1861).
- ” 13. Smythesdale Town Common—Proclamation of (15th July, 1861).
- ” 14. Gisborne Town Common enlarged—Proclamation of (15th July, 1861).
- ” 15. Hamilton Town Common altered—Proclamation of (15th July, 1861).
- ” 16. Jones’s Creek Gold Fields Common—Proclamation of (30th July, 1861).
- ” 17. Mount Egerton Gold Fields Common—Proclamation of (12th August, 1861).
- ” 18. Sandy Creek Gold Fields Common—Proclamation of (22nd July, 1861).
- ” 19. Steiglitz Gold Fields Common enlarged—Proclamation of (12th August, 1861).
- ” 20. Heathcote Gold Fields Common enlarged—Proclamation of (30th July, 1861).
- ” 21. Kerrit Barreet Farmers Common—Proclamation of (10th June, 1861).
- ” 22. Farmers Commons—Proclamation of (15th July, 1861).
- ” 23. Farmers Commons—Proclamation of (22nd July, 1861).
- ” 24. Farmers Commons—Proclamation of (17th June, 1861).
- ” 25. Farmers Commons—Proclamation of (12th August, 1861).
- ” 26. Bet-Bet Farmers Common—Amended description of (30th July, 1861).
- ” 27. Residence and Cultivation Licenses.—Regulations (5th July, 1861).
- ” 28. Regulation respecting selection of Allotments by Lot—Proclamation of (12th August, 1861).
- ” 29. Graziers’ License Regulations for Gold Fields Common—Proclamation of (10th June, 1861).
- 10th Sept. 30. Public Worship.—Additional Regulations (19th August, 1861).
- ” 31. Allotments—Proclamation respecting selection of (12th August, 1861).
- 17th Sept. 32. Farmers Commons, Avoca and Croxton West—Proclamation of (19th August, 1861).
- ” 33. Hepburn Gold Fields Common—Proclamation of (19th August, 1861).
- ” 34. Korong Road—Mining under.—Order in Council (26th August, 1861).
- 24th Sept. 35. Navarre Gold Fields Common—Proclamation of (26th August, 1861).
- ” 36. Morrison’s Diggings Gold Fields Common enlarged—Proclamation of (26th August, 1861).
- ” 37. Aborigines—Central Board to watch over—First Report of.
- ” 38. Mining Leases—Regulations for.—Order in Council (2nd September, 1861).
- ” 39. Criminal Statistics, 1859.
- ” 40. Supreme Court Rules (18th September, 1861)—Divorce and Matrimonial Causes.
- 1st Oct. 41. Occupation License Regulations for Country Lands (27th August, 1861).
- ” 42. Offences under 24 Victoria No. 117.—Proclamation (29th August, 1861).
- ” 43. Belvoir Town Common.—Proclamation (2nd September, 1861).
- ” 44. St. Andrew’s Division of Castlemaine Mining District—Alteration of.—Order in Council (9th September, 1861). Castlemaine Mining District—Alteration of.—Order in Council (9th September, 1861).
- 8th Oct. 45. Auriferous Land—Regulations for Mining Leases.—Order in Council (16th September, 1861).
- ” 46. Agriculture, Board of.—Second Annual Report.
- 15th Oct. 47. Country Lands Occupation Licenses—Modification of (25th September, 1861).
- ” 48. Farmers Commons—Proclamation of (16th September, 1861).
- ” 49. Residence and Cultivation Licenses.—Regulations (7th October, 1861).

- 1861.
- 29th Oct. 50. Bairnsdale Town Common altered.—Proclamation (30th September, 1861).
- ” 51. Belmont Town Common—Rules for management of (24th September, 1861).
- ” 52. Depasturing Sheep on Farmers Commons—Proclamation prohibiting (23th August, 1861).
- ” 53. Crown Lands alienated—Return of (1st April to 30th June, 1861).
- ” 54. Fees of Court, in proceedings under the Divorce Act—Scale of (2nd October, 1861).
- 12th Nov. 55. Electors, Registration of Parliamentary.—Payments made under 22 Vict., No. 81, s. 30.
- ” 56. Queensland Government.—Despatch from the Right Honorable the Secretary of State, with Act 24 and 25 Vict., cap. XLIV.
- ” 57. Death of Her Royal Highness the Duchess of Kent.—Despatch from the Right Honorable the Secretary of State, acknowledging an Address from the Council (12th August, 1861).
- ” 58. Public Accounts—Regulations respecting (23rd September, 1861).
- 1862.
- 14th Jan. 59. Statistics of Victoria—1860.
- ” 60. Hamilton County Court.—Abridgment of Interval.—Order in Council (4th November, 1861).
- ” 61. Maryborough Division of Maryborough Mining District.—Polling Places altered.—Order in Council (4th November, 1861).
- ” 62. Mails—Contract for carriage of.—Agreement (16th April, 1861).
- ” 63. Mail Service between United Kingdom and Australia.—Despatch from the Right Honorable the Secretary of State for the Colonies, with Correspondence (26th April, 1861).
- 15th Jan. 64. Creswick Farmers Common abolished.—Proclamation (28th October, 1861).
- ” 65. Bung Bong Farmers Common enlarged.—Proclamation (21st October, 1861).
- ” 66. Wyndham Town Common altered.—Proclamation (28th October, 1861).
- ” 67. Gold Fields Commons.—District between Maryborough and Amherst, Sago Hill and Campbell's Gully.—Proclamation (21st October, 1861).
- ” 68. South Hamilton Farmers Common.—Proclamation (4th November, 1861).
- ” 69. Ararat Town Common.—Regulations (23rd September, 1861). Carisbrook Town Common.—Regulation (23rd September, 1861).
- ” 70. Clunes Town Common.—Regulations (23rd September, 1861).
- ” 71. Kilmore Town Common.—Regulations (23rd September, 1861).
- ” 72. Winchelsea Town—Alteration of.—Proclamation (4th November, 1861).
- ” 73. Graziers' Licenses for Gold Fields Commons.—Additional Regulation (13th November, 1861).
- ” 74. Amherst Farmers Common.—Proclamation (4th November, 1861).
- ” 75. Cranbourne Town Common altered.—Proclamation (11th November, 1861).
- ” 76. Farmers Commons.—Hamilton and Bochara, Wild Duck Creek.—Proclamation (25th November, 1861).
- ” 77. Farmers Commons.—South Barnawartha, South Wooragee.—Proclamation (25th November, 1861).
- ” 78. Sandhurst Gold Fields Common enlarged.—Proclamation (25th November, 1861).
- ” 79. Mepunga Farmers Commons.—Proclamation (25th November, 1861).
- ” 80. Merino and Moolort Farmers Commons.—Proclamation (9th December, 1861).
- ” 81. Expenditure under Schedule D to Act 18 and 19 Victoria, cap. 55, during 1860, on account of 1859.
- ” 82. Expenditure under Schedule D to Act 18 and 19 Victoria, cap. 55, during and on account of 1860.
- 21st Jan. 83. Omeo Division of Mining District of Beechworth altered.—Order in Council (30th December, 1861).
- ” 84. Irrewarra Farmers Common altered.—Proclamation (9th December, 1861).
- ” 85. Merino Town Common enlarged.—Proclamation (9th December, 1861).
- ” 86. Farmers Common at Codrington, &c.—Proclamation (30th December, 1861).
- 4th Feb. 87. Melton Town Common enlarged.—Proclamation (13th January, 1862).
- ” 88. Wangaratta Town Common.—Proclamation (13th January, 1862).
- ” 89. Smythesdale Town Common—Regulations for (13th January, 1862).
- ” 90. Pyalong Farmers Common.—Proclamation (21st January, 1862).
- 12th Feb. 91. Crown Lands alienated under Act 24 Victoria, No. 117, from 1st July to 30th September, 1861).
- 18th Feb. 92. Purnim and Cooramook Farmers Commons.—Proclamation (13th February, 1862).
- ” 93. Fryer's Creek—Mining under Reserved Land at.—Order in Council (13th January, 1862).
- ” 94. Friendly Societies—Return of.—Registered during 1861.
- ” 95. Maryborough.—Polling places of Mining District altered (27th January, 1862).
- ” 96. Sandhurst.—Additional Polling Place of Mining District (3rd February, 1862).
- 25th Feb. 97. Instructions to Robert O'Hara Burke, Esq. (18th August, 1860).
- ” 98. Despatch to Robert O'Hara Burke, Esq. (24th June, 1861).

- 1862.
- 25th Feb. 99. Instructions to Commander Norman, of H.M.C.S. *Victoria* (30th July, 1861).
 „ 100. Instructions to Leader of Second Queensland Party (29th July, 1861).
 „ 101. Instructions to A. W. Howitt, Esq. (24th June, 1861).
- 4th Mar. 102. Acreage, Assessment, and Capabilities of certain Runs.—Return to an Order of the Council.
 „ 103. Burke and Wills, Victorian Explorers—Report of Commissioners appointed to inquire into the circumstances connected with the sufferings and death of.
 „ 104. Instructions to Mr. F. Walker from the Exploration Committee of the Royal Society of Victoria (20th July, 1861).
- 11th Mar. 105. Laanecoorie Farmers Common.—Proclamation (30th December, 1861).
 „ 106. Mulgrave Farmers Common.—Proclamation (10th February, 1862).
 „ 107. Codrington Farmers Common altered.—Proclamation (17th February, 1862).
 „ 108. Gold Field Statistics—1861.
 „ 109. Ballarat and Maryborough Mining District.—Additional Polling Places.—Order in Council (17th February, 1862).
 „ 110. Mining Lease of Mineral Lands.—Amended form of Order in Council (3rd February, 1862).
 „ 111. National Education.—Eighth Report of Commissioners.
- 18th Mar. 112. War with America.—Circular Despatch from the Right Honorable the Secretary of State for the Colonies (26th December, 1861).
 „ 113. War with America.—Circular Despatch from the Right Honorable the Secretary of State for the Colonies (22nd January, 1862).
- 25th Mar. 114. Botanist—Annual Report of Government (10th March, 1862).
- 8th April 115. Upper Plenty Farmers Common altered.—Proclamation (24th February, 1862).
 „ 116. Yulecart and Audley Farmers Commons.—Proclamation (10th March, 1862).
 „ 117. Beechworth District Court of Mines at Morse's Creek.—Order in Council (17th March, 1862).
 „ 118. Smythesdale County Court.—Order in Council (17th February, 1862).
 „ 119. Jury List at Smythesdale to be made.—Order in Council (24th February, 1862).
 „ 120. Morse's Creek, County Court transferred from Buckland to.—Order in Council (17th March, 1862).
- „ 121. A. W. Howitt, Esq., Supplementary Instructions to (4th July, 1861).
- 29th April 122. Criminal Statistics—1860.
 „ 123. Electric Telegraph Department.—Report for 1861.
- 1st May 124. Victorian Exploration.—Report of Commander Norman, of H.M.C.S. *Victoria*, together with copy of his journal on the late expedition to the Gulf of Carpentaria.
- 6th May 125. Health Officer.—Report for the year ending 31st December, 1861.
 „ 126. Board of National Education Rule.—Examination and Salaries of Teachers.
- 14th May 127. Burnt Creek Gold Fields Common.—Proclamation (17th March, 1862).
 „ 128. Quartz Reefs, Yield of Gold from.—Memorandum (28th April, 1862).
- 27th May 129. Agricultural and Live Stock Statistics.—Year ending 31st March, 1861, with Preliminary Statistical Notes.
 „ 130. Return of Diseases in the various establishments under the charge of the Chief Medical Officer for the year 1861.
- 28th May 131. Crown Lands alienated from 1st October to 31st December, 1861, inclusive.
- 3rd June 132. Refunds to Occupants of Runs.
 „ 133. Public Accounts.—Regulation Supplementary to Regulation 20.
- 12th June 134. Sandford Farmers Common.—Proclamation (5th May, 1862).
- 13th June 135. Pilot Board.—Accounts for year 1859 and 1860.
- 17th June 136. Astronomical and Magnetical Observatory.—Second and Third Annual Report of Board of Visitors.
 „ 137. Public Accounts—Amended Regulations respecting.
 „ 138. Farmers Common (North side of Kyneton, &c.) altered (5th June, 1862).
 „ 139. Trade and Customs—Returns relating to, for the year 1861.
 „ 140. University of Melbourne.—Report of the Proceedings of the Council, 1861-2.

No. 1.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

FRIDAY, 30TH AUGUST, 1861.

Pursuant to Proclamation the Council met.

The Acting President took the Chair.

At twelve o'clock, the Clerk of the Council read the Proclamation convening Parliament:—

PROCLAMATION.

By His Excellency SIR HENRY BARKLY, Knight Commander of the Most Honorable Order of the Bath, Captain-General and Governor-in-Chief of the Colony of Victoria, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS by *The Constitution Act* it was amongst other things enacted, that it should 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 might 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:" Now therefore I, Sir Henry Barkly, the Governor of Victoria, do hereby, in pursuance of the power and authority in me vested as aforesaid, appoint and proclaim that the First Session of the Third Parliament of Victoria shall commence and be holden for the despatch of business, on Friday, the thirtieth day of August instant, at Twelve of the clock at noon, 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 nineteenth day of August, in the year of Our Lord One thousand eight hundred and sixty-one, and in the twenty-fifth year of Her Majesty's Reign.

(L.S.)

HENRY BARKLY.

By His Excellency's Command,
R. HEALES.

GOD SAVE THE QUEEN!

Commissioners from His Excellency the Governor, appointed to open the Parliament, were then introduced to the Council Chamber by the Usher.

The Senior Commissioner desired the Usher to request the presence of the Members of the Legislative Assembly to hear the Commission read for opening and holding this present Session of the Parliament.

The Assembly having presented themselves, the Commission was read by the Clerk, as follows:—

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING:—

WHEREAS by Proclamation made on the nineteenth day of August instant, by His Excellency SIR HENRY BARKLY, Knight Commander of the Bath, Governor of Our Colony of Victoria, the said SIR HENRY BARKLY did fix that the next Session of the Legislative Council and Legislative Assembly of Our said Colony, now called "THE PARLIAMENT OF VICTORIA," should commence and be holden on this day, at Twelve of

the clock at noon, in the Parliament Houses, situate in Parliament Place, Spring Street, in the City of Melbourne: And forasmuch as for certain causes the said SIR HENRY BARKLY cannot conveniently be present in person in the said Parliament at that time: NOW KNOW YE that we, trusting in the discretion, fidelity, and care of Our trusty and well-beloved SIR WILLIAM FOSTER STAWELL, Knight, Our Chief Justice of Our Supreme Court of Victoria, and SIR REDMOND BARRY, Knight, a Justice of Our said Court, do, by the advice of Our Executive Council, give and grant by the tenor of these presents unto you the said SIR WILLIAM FOSTER STAWELL and SIR REDMOND BARRY, or either of you, full power in Our name to begin and hold Our said Parliament, and to do everything which for and by us, or the said SIR HENRY BARKLY shall be there to be done; commanding also by the tenor of these presents, with the consent of Our said Council, all whom it may concern, to meet Our said Parliament, that to the said SIR WILLIAM FOSTER STAWELL and SIR REDMOND BARRY, or either of them, they diligently attend in the premises and form aforesaid. IN TESTIMONY whereof we have caused the Seal of Our said Colony to be hereunto affixed.

WITNESS Our trusty and well-beloved SIR HENRY BARKLY, Knight Commander of the Most Honorable Order of the Bath, Captain-General and Governor-in-Chief of Our Colony of Victoria, and Vice-Admiral of the same, at Melbourne, this thirtieth day of August, One thousand eight hundred and sixty-one, and in the twenty-fifth year of Our Reign.

(L.S.)

HENRY BARKLY.

By His Excellency's Command,

J. MOORE.

Entered on Record by me in Register of Patents,
Book 12, page 27, this thirtieth day of August,
One thousand eight hundred and sixty-one.

J. MOORE.

The Senior Commissioner informed the Members of the Legislative Council and Legislative Assembly that His Excellency the Governor would, in person, declare the causes of His calling the Parliament, at two of the clock on Tuesday, the third proximo, in the Legislative Council Chamber, and requested the Members of the Assembly in the meantime to proceed to the choice of a Speaker.

The Assembly withdrew.

The Commissioners withdrew.

The Acting President read the Prayer.

ADJOURNMENT.—The Honorable G. W. Cole, with leave of the Council, moved, without notice, That the Council at its rising this day adjourn until Tuesday next, at half-past one o'clock.

Question—put and passed.

The Council adjourned at a quarter past twelve o'clock until half-past one o'clock on Tuesday the 3rd proximo.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

*

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 3RD SEPTEMBER, 1861.

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

The Acting President read the Prayer.

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 order to prevent the embarrassment that might have resulted to the financial engagements of the country, had the provisions of the third clause in the *Appropriation Act* not been complied with, Parliament has been called together earlier than is usual after a general election.

The period that has elapsed since the dissolution of the late Assembly having necessarily been occupied by the business incident to the elections, the leisure ordinarily afforded to Ministers for maturing their measures has not been at the disposal of my advisers. They are nevertheless prepared with several important Bills, which will be laid before you.

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The premature re-assembling of Parliament, occasioned by the operation of the third section of the *Appropriation Act*, has rendered the preparation of the Estimates for the ensuing year, before the meeting of Parliament, impossible. Moreover, as it is the intention of my advisers immediately to introduce measures which, if passed, will largely affect the construction of the Estimates, their preparation will necessarily be delayed until these measures shall have received the consideration of Parliament, when a short adjournment will be necessary.

HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

It is with satisfaction that I am enabled to inform you that the demand for Occupation and Cultivation Licenses on the Gold Fields, granted by the Board of Land and Works under the authority of the Crown Lands Sales Act, is so great as, in the opinion of my advisers, amply to vindicate the necessity and expediency of their issue. The introduction of these licenses has proved most beneficial ; and such is the general satisfaction evinced by miners and others desirous of providing homes for themselves and their families, but who have been hitherto practically denied the opportunity of substantial settlement, that it has been deemed expedient to extend the advantages of the system to persons who may be desirous of engaging in agricultural pursuits, under regulations framed to prevent speculation and undue competition, and to promote the occupation of the lands by those who will actually cultivate and reside on them.

I trust that this,—the most liberal land system in the Australian Colonies,—will not only be duly appreciated and extensively resorted to by our own population, and that the exodus of those unsettled portions of the people, who, having no fixed attachment to the country, are led away by every rumor of a newly discovered gold field, will be checked, but that it will be a powerful inducement to intending emigrants to make this favored land their home, who might otherwise have directed their course elsewhere.

It is not too much to hope that the prosperity of the country, retarded by the want of facilities for settling on the soil, will rapidly advance under the operation of the new system.

Amongst the Bills which will claim your earliest attention is one for the establishment of County Councils, and the division and nomenclature of the unnamed portion of the territory. This important measure provides for the extension of local government, conferring on County Councils functions hitherto exercised partly by Road Boards and partly by the general Government, giving, in addition to other powers, authority to impose taxation for local improvements, and subsidising the incomes of the local councils from the general revenue.

The re-organization of the Civil Service forms the subject of a Bill to be submitted, providing amongst other things for the appointment, classification, promotion and superannuation of officers employed in the Civil Service of the Government, and for the establishment of an Insurance and Guarantee Fund.

Several measures for the benefit of the mining interest, which are much needed, will be speedily introduced: these will comprise Bills for the better Administration of Justice, for the management of the Gold Fields, for authorising and regulating Mining on Private Property, to secure compensation to the families of persons killed by mining accidents, and for the amendment and consolidation of the Laws relating to Mining Partnerships. These Bills will rectify some of the defects of our present mining code, and tend to the further development of mining industry.

The amendment of the law affecting the transfer of real property has had the consideration of my advisers, and a measure analogous to that of Mr. Torrens is in the course of preparation; before, however, introducing it to Parliament it has been deemed expedient to await the Report of the Commission appointed to enquire into the operation of the Act in South Australia.

The establishment of Local Insolvency Courts, it is believed, will prove beneficial to the trading classes in the country districts, and a Bill will be introduced for that purpose.

A Bill for the Abolition of State Aid to Religion will be also laid before you, and a measure to Consolidate the Administration of the Systems of Public Instruction under one Board will be submitted, its object being to diminish the cost of tuition, and to secure to the rising generation the advantages of a sound secular education.

Two important measures, calculated to relieve and encourage domestic interests, will be submitted for your consideration; one providing for a reduction of the Export Duty on Gold, the other for facilitating the establishment of Distilleries and lessening the duty on Spirits distilled in Victoria.

The inadequacy of our national income from existing sources, and the imperfect development of industries for which natural facilities exist in this country, have led to a general conviction that it is expedient that the Tariff should be reconsidered by Parliament, with the twofold object of raising a sufficient revenue, and, by a judicious re-arrangement of our imposts, of affording to our industrial interests the incidental advantages derivable from duties imposed on such articles as compete with our own products, rather than on those which do not. It is therefore contemplated by my Ministers, after the Estimates of Expenditure have been framed, to submit propositions to Parliament for realising these objects.

The removal of the impediments that have hitherto existed to settlement on the public lands, and the encouragement to our industrial interests which the measures proposed by my advisers will afford, will, it is hoped, by inspiring confidence in the future of the colony, revive immigration and restore prosperity. It will, however, be desirable, in addition to these inducements, to continue to support the system of assisted immigration already sanctioned by Parliament.

I am happy to inform you that the action taken by my advisers shortly after accepting office has induced the Imperial authorities to extend the Postal Money Order system to this Colony, and that the whole of the arrangements for bringing it into practical operation will be completed by the close of the present year. This concession will prove a great convenience to persons remitting small sums to their friends in the United Kingdom.

The experience already gained of the working of the Constitution, has, from time to time, developed defects which could not have been anticipated by its framers. Some of these the wisdom of Parliament has already removed. It has, however, long been apparent that there has been a want of harmony in the working of the two branches of the Legislature, and it is considered by my advisers that reforms which have been made in the constitution of the Assembly must remain comparatively ineffectual unless corresponding improvements be made in the Council. A Bill to amend the constitution of the Council will be therefore introduced.

The impossibility of otherwise securing the adequate representation of the country in Parliament, renders it expedient that members should be compensated for their services during their attendance on their legislative duties. The result of the election proves, that whilst a majority has been returned favorable to the principle, considerable difference of opinion exists as to the mode of applying it. The principle being conceded, the manner of carrying it into effect is a question which Parliament alone can determine,

and it will be the duty of my advisers to take the sense of the representatives of the people on this subject when the proper time arrives.

Notwithstanding the advantages which Municipal Institutions have conferred on the country, experience has shown that it would be desirable to amend and consolidate the laws relating to them; Bills with that object will be introduced as soon as the business of Parliament will admit.

The subjects to which I have called your attention will, I am satisfied, receive your most earnest consideration. I pray God to prosper your deliberations, and direct your decisions.

HENRY BARKLY.

Government Offices,
3rd September, 1861.

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

His Excellency the Governor left the Council Chamber.

The Council adjourned during pleasure.

At four o'clock the Acting President resumed the Chair.

SUSPENSION OF STANDING ORDER NO. XXIV.—The Honorable Dr. Wilkie moved, That Standing Order No. XXIV. be suspended.

Question—put and passed.

WEIGHTS AND MEASURES BILL.—The Honorable Dr. Wilkie moved, That leave be given to bring in a Bill to amend the law relating to Weights and Measures.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Dr. Wilkie, read a first time, ordered to be printed, and read a second time this day fortnight.

SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Acting President reported the Speech of His Excellency the Governor, and the same being read by the President,

The Honorable Dr. Wilkie moved, That a Select Committee 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 Dr. Wilkie moved, That such Committee consist of the following Members:—
The Honorables G. W. Cole, G. Rolfe, J. P. Fawkner, W. Hull, G. S. Coppin, Dr. Hope, and the Mover:

Two members having required that the Committee should be appointed by ballot, the Council proceeded to the ballot, and the following members being reported by the Clerk to have the greatest number of votes, were declared by the Acting President to be members of the Committee, viz., the Honorables Dr. Wilkie, T. H. Fellows, W. Hull, T. H. Power, G. Rolfe, J. B. Bennett, and W. H. F. Mitchell.

The Honorable Dr. Wilkie moved, That the Council do now adjourn during pleasure, in order that the Committee may prepare the Address during such adjournment.

Question—put and passed.

The Acting President left the Chair.

The Acting President having resumed the Chair, the Honorable T. H. Fellows brought up the Report of the Committee appointed to prepare an Address in reply to the Speech of His Excellency the Governor.

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

To His Excellency SIR HENRY BARKLY, Knight Commander of the Most Honorable Order of the Bath, Captain-General and Governor-in-Chief of the Colony of Victoria, and Vice-Admiral of the same, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's most dutiful and loyal Subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, beg leave to assure your Excellency of our loyalty and attachment to Her Majesty's throne and person.

While we concur with your Excellency in desiring to see the lands of the Colony settled upon by those desirous of providing homes for themselves and their families, we cannot express our satisfaction, at the unconstitutional, if not illegal, mode adopted by your Excellency's advisers to attain that object.

We are not aware that the issue of Occupation and Cultivation Licenses on the Gold Fields has afforded any means of ascertaining the expediency of extending them to those desirous of engaging in agricultural pursuits, and we regard such extension by a mere departmental regulation, and on the very eve of the meeting of Parliament, as a wanton violation of the principles of responsible government.

The Bills to establish County Councils, to consolidate the law relating to Municipal Institutions, and to re-organize the Civil Service, as well as those for the benefit of the Mining Interests and the Transfer of Real Property, shall receive our best consideration when laid before us; and we concur in the expediency of awaiting the report of the South Australian Commissioners on the last subject.

We trust that the Bill for establishing Local Insolvency Courts will form part of a general and comprehensive measure for amending the laws upon that subject.

The Bill for the abolition of State Aid to Religion, and the measure relating to Public Instruction, shall have our most serious attention.

While we learn with satisfaction that facilities will be afforded for the distillation of spirits in Victoria, we regret that, at a time when the inadequacy of our national income from existing sources is admitted, a reduction should be contemplated in so unexceptionable a source of revenue as the royalty on gold.

We cannot regard the imposition of protective duties on articles imported into this Colony as likely to afford any advantage to our industrial interests, or to meet a deficiency in a failing revenue.

We concur with your Excellency in considering it desirable to support a system of Assisted Immigration, but we deem it more than questionable whether confidence in the future of this Colony will be inspired, immigration revived, or prosperity restored, by the unconstitutional action of your Excellency's advisers, or by the measures which they propose.

We are glad to learn that the Postal Money Order system will shortly be in operation between this Colony and the United Kingdom.

We regret that a want of harmony should be considered to exist in the working of the two branches of the Legislature, and deplore that a premature departure from the original Constitution should have afforded grounds for such an assumption.

In the face of past experience, we cannot admit that it has been impossible or even difficult to obtain the unpaid services of those who would adequately represent the country in Parliament, while we believe that payment of members is calculated rather to deteriorate than elevate the general character of the representation.

Although your Excellency has not specified the manner in which payment of members is proposed to be carried into effect, we cannot ignore the fact that your Excellency's advisers have publicly stated that a sum will be placed upon the Estimates for that purpose. We trust we shall receive your Excellency's assurance that a change of such vital importance will not be brought under the consideration of the Legislature in a manner which, if it does not render the passing of the whole expenditure contingent on the concurrence of an absolute majority of both Houses, will at all events preclude the possibility of this House agreeing to the Appropriation Act.

We sincerely join in your Excellency's prayer that the Almighty may prosper our deliberations and direct our decisions.

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

Debate ensued.

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

Question—That the debate be now adjourned—put.

Council divided.

Contents, 6.

The Hon. G. W. Cole
T. T. a'Beckett
G. Rolfe
J. Henty
J. McCrae
Dr. Wilkie (*Teller*).

Not Contents, 17.

The Hon. R. Thomson
J. Sutherland
S. G. Henty
T. H. Power
F. Robertson
J. P. Fawkner
W. Hull
D. Kennedy
A. Fraser
C. Vaughan
J. Stewart
J. F. Strachan
W. H. F. Mitchell
W. Degraives
J. B. Bennett
W. Highett
T. H. Fellows (*Teller*).

The question was therefore negatived.

Question—That the Address be now adopted—put and passed.

The Honorable Dr. Wilkie moved, That the President be requested to ascertain when it will be convenient for His Excellency to receive the Address of the Council in reply to his Speech to the Parliament.

Question—put and passed.

ADJOURNMENT.—The Honorable Dr. Wilkie, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until four o'clock to-morrow.

Question—put and passed.

The Council adjourned at twenty minutes past six o'clock, until four o'clock on Wednesday, the 4th instant.

NOTICES OF MOTION AND ORDER OF THE DAY.

 WEDNESDAY, 4TH SEPTEMBER.

NOTICES OF MOTION :—

1. The Hon. DR. WILKIE : 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.
2. The Hon. DR. WILKIE : To move, That on Wednesday in each week, during the present session, the transaction of Government business take precedence of all other business.
3. The Hon. DR. WILKIE : To move, That the Honorables S. G. Henty, A. Fraser, J. Stewart, B. Williams, and W. Highett, be members of the Joint Committee of both Houses to manage the Refreshment Rooms and Stables.
4. The Hon. DR. WILKIE : To move, That the Honorables the Acting President, T. H. Fellows, G. Rolfe, F. Robertson, and T. T. a'Beckett, be appointed a Select Committee on the Standing Orders of the House.
5. The Hon. DR. WILKIE : To move, That the Honorables the Acting President, G. W. Cole, G. S. Coppin, W. H. F. Mitchell, and J. F. Strachan, be members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.
6. The Hon. DR. WILKIE : To move, That the Honorables the Acting President, J. P. Fawcner, J. B. Bennett, T. H. Power, and the Mover, be members of the Joint Committee of both Houses to manage the Library.
7. The Hon. DR. WILKIE : To move, That the Honorables the Acting President, Robt. Thomson, C. Vaughan, W. Degraives, and Dr. Hope, be appointed on a Printing Committee, and that Papers presented to the House be referred to the said Committee for report.
8. The Hon. T. H. FELLOWS : To move for leave to introduce a Bill to alter the law relating to Weights and Measures.
9. The Hon. T. H. FELLOWS : To move for leave to introduce a Bill for the better administration of the law by Justices of the Peace, and for other purposes in connection therewith.

 TUESDAY, 10TH SEPTEMBER.

1. The Hon. G. ROLFE : To move for leave to introduce a Bill intituled "*An Act to confer on the Solicitors and Procurators of the Sheriff Courts of Scotland and their Articled Clerks the right to admission as Attorneys, Solicitors, and Proctors of the Supreme Court of the Colony of Victoria.*"
2. The Hon. G. ROLFE : To move for leave to introduce a Bill intituled "*An Act to confer on Notaries Public appointed in Ireland and Scotland the same rights and privileges in the Colony of Victoria as are exercised by Notaries Public appointed in England and now officiating in this Colony.*"
3. The Hon. W. HULL : To move, That a Select Committee be appointed to enquire into the causes and extent of juvenile destitution and crime in the City of Melbourne, with a view to its suppression or amelioration.

 TUESDAY, 17TH SEPTEMBER.

ORDER OF THE DAY :—

1. WEIGHTS AND MEASURES 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, 4TH SEPTEMBER, 1861.

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

The Acting President read the Prayer.

PAPERS.—The Honorable Dr. Wilkie presented to the Council the following Papers:—

1. University of Melbourne—Report of, year ending 31st May, 1861.
2. Trade and Customs—Return—1860.
3. Mining Operations under New Inglewood Reservoir and at Daylesford.—Order in Council (22nd July, 1861).
4. Wendouree Swamp—Mining under, Durham Gold Mining Company.—Order in Council (15th July, 1861).
5. Mining Districts altered.—Orders in Council (3rd July, 1861).
6. Wendouree Swamp—Mining under, Royal Saxon Company.—Order in Council (2nd July, 1861).
7. Quarry Reserve, Ballaarat West—Mining under.—Order in Council (12th August, 1861).
8. Sanitary Station—Chief Medical Officer's Report on—1860.
9. Health—Central Board of.—Sixth Annual Report.
10. Wendouree Parade, Ballaarat West—Mining under.—Order in Council (19th August, 1861).
11. Ballaarat Gaol Reserve—Mining under.—Order in Council (19th August, 1861).
12. Meredith Town Common—Proclamation of (12th August, 1861).
13. Smythesdale Town Common—Proclamation of (15th July, 1861).
14. Gisborne Town Common enlarged—Proclamation of (15th July, 1861).
15. Hamilton Town Common altered—Proclamation of (15th July, 1861).
16. Jones's Creek, Gold Fields Common—Proclamation of (30th July, 1861).
17. Mount Egerton, Gold Fields Common—Proclamation of (12th August, 1861).
18. Sandy Creek, Gold Fields Common—Proclamation of (22nd July, 1861).
19. Steiglitz Gold Fields Common enlarged—Proclamation of (12th August, 1861).
20. Heathcote Gold Fields Common enlarged—Proclamation of (30th July, 1861).
21. Kerrit Barreet Farmers' Common—Proclamation of (10th June, 1861).
22. Farmers' Commons—Proclamation of (15th July, 1861).
23. Farmers' Commons—Proclamation of (22nd July, 1861).
24. Farmers' Commons—Proclamation of (17th June, 1861).
25. Farmers' Commons—Proclamation of (12th August, 1861).
26. Bet-Bet Farmers' Common—Amended description of (30th July, 1861).
27. Residence and Cultivation Licenses—Regulations (5th July, 1861).
28. Regulation respecting selection of allotments by lot—Proclamation of (12th August, 1861).
29. Graziers' License Regulations for Gold Fields Common—Proclamation of (10th June, 1861).

Ordered severally to lie on the Table.

CHAIRMAN OF COMMITTEES.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Honorable R. Thomson be Chairman of Committees of the Council.

Question—put and passed.

SWEARING IN OF MEMBERS.—The Acting President announced to the Council that he had received a Commission (hereunder set forth) empowering him to swear in any new members who might be introduced.

*VICTORIA, by the Grace of God of the United Kingdom
of Great Britain and Ireland, Queen, Defender of the
Faith.*

To THE HONORABLE MATTHEW HERVEY, M.L.C., Acting President
of our Legislative Council of our Colony of Victoria.

WHEREAS by a Bill contained in the Schedule to a Statute passed in the Session of our Imperial Parliament, holden in the eighteenth and nineteenth years of our reign, intituled "*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,*" it is enacted that no Member either of the Legislative Council or of the Legislative Assembly shall be permitted to sit or vote therein respectively, until he shall have taken and subscribed before the Governor, or before some person authorized by the Governor in that behalf, the oath in the said Bill mentioned: WE DO THEREFORE by these presents command and authorize you, from time to time, in the Parliament House, in the City of Melbourne, to administer the oath to such Members of the said Legislative Council as have not taken and subscribed the same in the present Parliament. IN TESTIMONY whereof we have caused the Seal of our said Colony to be hereunto affixed.

WITNESS our trusty and well-beloved SIR HENRY BARKLY, Knight Commander of the Most Honorable Order of the Bath, Captain-General and Governor-in-Chief of our Colony of Victoria, and Vice-Admiral of the same, at Melbourne, this second day of September, One thousand eight hundred and sixty-one, and in the twenty-fifth year of our reign.

(L.S.)

HENRY BARKLY.

By His Excellency's Command,

J. MOORE.

Entered on Record by me in Register of Patents,
Book 12, page 28, this second day of Sep-
tember, One thousand eight hundred and
sixty-one.

J. MOORE.

ELECTIONS AND QUALIFICATIONS.—In pursuance of "*The Electoral Act of 1856,*" the Acting 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 John Barter Bennett,
The Honorable William Degraives,
The Honorable James Henty,
The Honorable Thomas Herbert Power,
The Honorable James Stewart,
The Honorable Joseph Sutherland,
The Honorable David Elliot Wilkie, M.D.,

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

Given under my hand this fourth day of September, 1861.

MATTHEW HERVEY,
Acting President of the Legislative Council.

ADDRESS IN REPLY TO THE SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Acting President announced that he had received an intimation to the effect that His Excellency the Governor would be prepared to receive the Address of the Council in reply to his Speech at three o'clock on Thursday, the 5th instant.

DAYS OF BUSINESS.—The Honorable Dr. Wilkie, in accordance with notice, moved, That Tuesdays, Wednesdays, and Thursdays be the days on which the Council shall meet for 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 Dr. Wilkie, 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.

REFRESHMENT ROOMS COMMITTEE (JOINT).—The Honorable Dr. Wilkie, in accordance with notice, moved, That the Honorables S. G. Henty, A. Fraser, J. Stewart, B. Williams, and W. Highett, be members of the Joint Committee of both Houses to manage the Refreshment Rooms and Stables.

Question—put and passed.

STANDING ORDERS SELECT COMMITTEE.—The Honorable Dr. Wilkie, in accordance with notice, moved, That the Honorables the Acting President, T. H. Fellows, G. Rolfe, F. Robertson, and T. T. a'Beckett be appointed a Select Committee on the Standing Orders of the House.

Question—put and passed.

PARLIAMENT BUILDINGS SELECT COMMITTEE (JOINT).—The Honorable Dr. Wilkie, in accordance with notice, moved, That the Honorables the Acting President, G. W. Cole, G. S. Coppin, W. H. F. Mitchell, and J. F. Strachan be members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

Question—put and passed.

LIBRARY COMMITTEE (JOINT).—The Honorable Dr. Wilkie, in accordance with notice, moved, That the Honorables the Acting President, J. P. Fawkner, J. B. Bennett, T. H. Power, and the Mover be members of the Joint Committee of both Houses to manage the Library.

Question—put and passed.

PRINTING COMMITTEE.—The Honorable Dr. Wilkie, in accordance with notice, moved, That the Honorables the Acting President, R. Thomson, C. Vaughan, W. Degraives, and Dr. Hope be appointed a Printing Committee and that papers presented to the House be referred to the said Committee for report.

Question—put and passed.

WEIGHTS AND MEASURES BILL (2).—The Honorable T. H. Fellows, in accordance with notice, moved, That leave be given to introduce a Bill to alter the law relating to Weights and Measures.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable T. H. Fellows, read a first time, ordered to be printed, and read a second time on Tuesday, the 10th instant.

PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable Dr. Wilkie, with leave of the Council, moved, without notice, That the Address in reply to His Excellency's Speech be presented to His Excellency the Governor to-morrow, at three o'clock, by the President and the members of the Select Committee who prepared the Address, accompanied by such other members as may desire to accompany them.

Question—put and passed.

ADMINISTRATION OF LAW (JUSTICES') BILL.—The Honorable T. H. Fellows, in accordance with notice, moved for leave to bring in a Bill for the better administration of the law by Justices of the Peace, and for other purposes in connection therewith.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable T. H. Fellows, read a first time, ordered to be printed, and read a second time on Tuesday next.

ADJOURNMENT OF THE COUNCIL.—The Honorable Dr. Wilkie, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday, 10th instant.

Question—put and passed.

The Council adjourned at half-past four o'clock, until four o'clock on Tuesday, 10th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 10TH SEPTEMBER.

1. The Hon. J. P. FAWKNER: To ask the Honorable Dr. Wilkie—

- (1.) Was any contract entered into for the due erection of the so-called Treasury building, with the usual (or any forfeitures), or any conditions of completion? If so, at what time? Was, or is the Treasury to be completed? What sum was the building to cost in the whole, and also what sums in parts? If there were more than one contract? What was the separate, and how much does the whole cost amount to?
- (2.) Are there any portions of the work not yet contracted for? If so, what those consist of?
- (3.) At what sum per month, quarter, or year, was the private house of a Member of the Assembly hired for; and how long has this private house been occupied as a Treasury and Gold Office? And what has been the total cost up to the last day of payment, giving the dates?
- (4.) Were the alterations of this private house into Treasury offices made at the public cost? If so, what was the amount paid? How long is this present office engaged for? When is it contemplated (or is it known) at what time the new Treasury—that long delayed and most extravagantly expensive building—will be ready to receive the officers and accompaniments of the department?

NOTICES OF MOTION :—

1. The Hon. G. ROLFE : To move for leave to introduce a Bill intituled “ *An Act to confer on the Solicitors and Procurators of the Sheriff Courts of Scotland and their Articled Clerks the right to admission as Attorneys, Solicitors, and Proctors of the Supreme Court of the Colony of Victoria.*”
2. The Hon. G. ROLFE : To move for leave to introduce a Bill intituled “ *An Act to confer on Notaries Public appointed in Ireland and Scotland the same rights and privileges in the Colony of Victoria as are exercised by Notaries Public appointed in England and now officiating in this Colony.*”
3. The Hon. W. HULL : To move, That a Select Committee be appointed to enquire into the causes and extent of juvenile destitution and crime in the City of Melbourne, with a view to its suppression or amelioration.

ORDERS OF THE DAY :—

1. WEIGHTS AND MEASURES BILL (2).—To be read a second time.
2. ADMINISTRATION OF LAW (JUSTICES) BILL.—To be read a second time.

TUESDAY, 17TH SEPTEMBER.

ORDER OF THE DAY :—

1. WEIGHTS AND MEASURES 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, 10TH SEPTEMBER, 1861.

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

The Acting President read the Prayer.

REPLY OF THE GOVERNOR TO ADDRESS OF THE COUNCIL.—The Acting President announced to the Council that the Address to His Excellency the Governor had been presented by the Acting President and other Members of the House, and that His Excellency had been pleased to make thereto the following reply :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL—

I thank you for your expressions of loyalty and attachment to Her Majesty's throne and person.

I regret that your views do not in all respects agree with those which it was my duty to enunciate in my opening Speech, and which have met with the approbation and concurrence of the other branch of the Legislature.

HENRY BARKLY.

Government House,
5th September, 1861.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Acting President laid upon the Table the Warrant appointing the Committee of Elections and Qualifications.

SCOTCH PROCURATORS BILL.—The Honorable G. Rolfe, in accordance with notice, moved for leave to bring in a Bill intituled "*A Bill to confer on the Solicitors and Procurators of the Sheriff Courts of Scotland and their Articled Clerks the right to admission as Attorneys Solicitors and Proctors of the Supreme Court of the Colony of Victoria.*"

Debate ensued.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable G. Rolfe, read a first time, ordered to be printed, and read a second time on Tuesday, the 24th instant.

WEIGHTS AND MEASURES BILL (2).—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 Acting President do now leave the Chair—put and passed.

The Acting 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 Acting President do now leave the Chair—put and passed.

The Acting 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 the next day of meeting of the Council.

Ordered.

ADMINISTRATION OF LAW (JUSTICES) 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 Acting President do now leave the Chair—put and passed.

The Acting President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on the next day of meeting of the Council.

Ordered.

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

Question—put and passed.

PAPERS.—The Honorable Dr. Wilkie presented to the Council the following papers :—

Public Worship.—Additional Regulations (19th August, 1861).

Allotments—Proclamation respecting Selection of (12th August, 1861).

Ordered severally to lie on the Table.

The Council adjourned at twenty minutes past five o'clock until four o'clock on Tuesday, the 17th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 17TH SEPTEMBER.

1. The Hon. G. S. COPPIN : To ask the Honorable Gentleman representing the Government when it will be convenient to lay on the Table the following return, moved for on the 16th of May, 1861 : “That there be laid on the Table of this House a return of the number of estates placed under sequestration in the several years ending 1855, 1856, 1857, 1858, 1859, 1860, the number of creditors, and amount due in Melbourne and the country districts severally, and remuneration received by official assignees in respect of such estates.”
2. The Hon. G. S. COPPIN : To ask the Honorable Gentleman representing the Government if it is the intention of the Government to introduce a Bill, framed upon a resolution of this House last session, relative to the discontinuance of State Aid to Religion in all cities, towns, and municipalities.
3. The Hon. J. P. FAWKNER : To ask the Honorable Member representing the Government whether the Government have engaged the present Gold Office and Treasury for any further period than till 30th September, 1861. If so, for what period, and at what amount per month, quarter, or year ?

NOTICE OF MOTION :—

1. The Hon. T. H. FELLOWS : To move for leave to bring in a Bill to amend the Common Law Practice Act, 1856, and for other purposes.

ORDERS OF THE DAY :—

1. WEIGHTS AND MEASURES BILL.—To be read a second time.
2. WEIGHTS AND MEASURES BILL (2).—Adoption of report.
3. ADMINISTRATION OF LAW (JUSTICES) BILL.—To be further considered in Committee.

TUESDAY, 24TH SEPTEMBER.

NOTICE OF MOTION.

1. The Hon. G. ROLFE : To move for leave to introduce a Bill intituled “*An Act to confer on Notaries Public appointed in Ireland and Scotland the same rights and privileges in the Colony of Victoria as are exercised by Notaries Public appointed in England and now officiating in this Colony.*”

ORDER OF THE DAY :—

1. SCOTCH PROCURATORS 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, 17TH SEPTEMBER, 1861.

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

The Acting President read the Prayer.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Acting President laid on the Table the Warrant appointing the Committee of Elections and Qualifications.

PAPERS.—The Honorable Dr. Wilkie presented to the Council the following papers :—

1. Farmers' Commons—Avoca and Croxton West—Proclamation of (19th August, 1861).
2. Hepburn Gold Fields Common—Proclamation of (19th August, 1861).
3. Korong Road—Mining under.—Order in Council (26th August, 1861).

Ordered severally to lie on the Table.

COMMON LAW PRACTICE ACT AMENDMENT BILL.—The Honorable T. H. Fellows, in accordance with notice, moved for leave to bring in a Bill to amend the "*Common Law Practice Act 1856 and for other purposes.*"

Question—put and passed.

Bill brought in, and, on the motion of the Honorable T. H. Fellows, read a first time, ordered to be printed, and read a second time on Tuesday next.

WEIGHTS AND MEASURES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Wilkie moved, That the same be discharged.

Question—put and passed.

WEIGHTS AND MEASURES BILL (2).—The Order of the Day for 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—put and passed.

Question—That the Bill be now re-considered in Committee of the whole Council—put and passed.

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

The Acting President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on the next day of meeting of the Council.

Ordered.

ADMINISTRATION OF LAW (JUSTICES) BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Acting President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on the next day of meeting of the Council.

Ordered.

ADJOURNMENT.—The Honorable Dr. Wilkie, 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 24th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 24TH SEPTEMBER.

1. The Hon. J. P. FAWKNER: To ask the Honorable Member representing the Government whether the Government have engaged the present Gold Office and Treasury for any further period than till 30th September, 1861. If so, for what period, and at what amount per month, quarter, or year?
2. The Hon. T. H. FELLOWS: To ask the Honorable Dr. Wilkie—
 - (1.) Whether a telegram has lately been forwarded to one of the Registrars of the Ballarat Mining District, instructing him to disobey the order of the Court of Mines, in relation to Yuille's Swamp.
 - (2.) Whether the Honorable Member will communicate to this House any telegram that may have been sent on such subject to the Mining Registrar.
3. The Hon. W. HULL: To ask if the works at the Officers' Quarters, Prince's Bridge Barracks, are suspended; if so, when, and from what cause; and further, if it be the intention of the Government immediately to resume the same.

NOTICES OF MOTION:—

1. The Hon. DR. WILKIE: To move for leave to introduce a Bill to regulate the qualification of practitioners in medicine and surgery.
2. The Hon. T. H. FELLOWS: To move for leave to introduce a Bill for the prevention of crime by children.
3. The Hon. G. ROLFE: To move for leave to introduce a Bill intituled "*An Act to confer on Notaries Public appointed in Ireland and Scotland the same rights and privileges in the Colony of Victoria as are exercised by Notaries Public appointed in England and now officiating in this Colony.*"

ORDERS OF THE DAY:—

1. SCOTCH PROCURATORS BILL.—To be read a second time.
2. COMMON LAW PRACTICE ACT AMENDMENT BILL.—To be read a second time.
3. WEIGHTS AND MEASURES BILL (2).—To be further considered in Committee.
4. ADMINISTRATION OF LAW (JUSTICES) BILL.—To be further considered in Committee.

MEETING

OF

SELECT COMMITTEE.

Tuesday, 24th September.

REFRESHMENT ROOMS (JOINT)—at 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 24TH SEPTEMBER, 1861.

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

The Acting President read the Prayer.

PAPERS.—The Honorable Dr. Wilkie presented to the Council the following Papers :—

1. Navarre Gold Fields Common—Proclamation of (26th August, 1861).
2. Morrison's Diggings Gold Fields Common enlarged—Proclamation of (26th August, 1861).
3. Officials in Parliament Act.—Despatch from the Right Honorable the Secretary of State (12th August, 1859) with enclosures.
4. Aborigines—Central Board to watch over—First Report of.
5. Mining Leases, Regulations for.—Order in Council (2nd September, 1861).
6. Criminal Statistics. 1859.
7. Supreme Court Rules (18th September, 1861). Divorce and Matrimonial Causes.

Ordered severally to lie on the Table.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 1st proximo :—

“*Scotch Procurators Bill*”—to be read a second time.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 8th proximo :—

“*Common Law Practice Act Amendment Bill*”—to be read a second time.

WEIGHTS AND MEASURES BILL (2).—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Acting 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 to-morrow.

Ordered.

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

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to protect the Rights of Inventors of Articles at the Exhibition in Victoria of One thousand eight hundred and sixty-one,*” in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 24th September, 1861.

INVENTORS' RIGHTS PROTECTION BILL.—The Honorable Dr. Wilkie moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable Dr. Wilkie moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The Acting 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 Dr. Wilkie moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Acting 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 Dr. Wilkie, was read a third time and *passed*.

The Honorable Dr. Wilkie moved, That the title of the Bill be "*An Act to protect the Rights of Inventors of Articles at the Exhibition in Victoria of One thousand eight hundred and sixty-one.*"

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 any amendment.

ADMINISTRATION OF LAW (JUSTICES) BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Acting 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 Tuesday, the 8th proximo.

Question—put and passed.

The Council adjourned at ten minutes past five o'clock until four o'clock on Wednesday, the 25th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 25TH SEPTEMBER.

NOTICES OF MOTION:—

1. The Hon. W. H. F. MITCHELL: To move, That an Address be presented to the Governor, submitting to His Excellency the great inconvenience and danger that will result from the issue of the proposed Occupation Licenses for agricultural purposes, should they hereafter be held to be illegal, and praying His Excellency to exercise his constitutional authority for restraining their issue till the question of their legality shall have been decided; and that a Committee be appointed to prepare such Address, to consist of seven members, and to be appointed by ballot.
2. The Hon. T. H. FELLOWS: To move—
 - (1.) That a Select Committee be appointed to enquire into the circumstances attending the alleged transmission of a Telegram to the Mining Registrar at Ballarat, instructing him to disobey the Court of Mines; with power to take evidence, and to call for persons and papers.
 - (2.) That such Committee shall consist of seven members, to be appointed by ballot, and shall have power to sit during the adjournment of the House.

ORDER OF THE DAY:—

1. WEIGHTS AND MEASURES BILL (2).—Adoption of Report.

TUESDAY, 1ST OCTOBER.

NOTICE OF MOTION:—

1. The Hon. G. ROLFE: To move for leave to introduce a Bill intituled "*An Act to confer on Notaries Public appointed in Ireland and Scotland the same rights and privileges in the Colony of Victoria as are exercised by Notaries Public appointed in England and now officiating in this Colony.*"

ORDER OF THE DAY:—

1. SCOTCH PROCURATORS BILL.—To be read a second time.

TUESDAY, 8TH OCTOBER.

ORDERS OF THE DAY:—

1. COMMON LAW PRACTICE ACT AMENDMENT BILL.—To be read a second time.
2. ADMINISTRATION OF LAW (JUSTICES) 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 SEPTEMBER, 1861.

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

The Acting President read the Prayer.

OCCUPATION LICENSES FOR AGRICULTURAL PURPOSES.—The Honorable W. H. F. Mitchell, in accordance with notice, moved, That an Address be presented to the Governor, submitting to His Excellency the great inconvenience and danger that will result from the issue of the proposed Occupation Licenses for agricultural purposes, should they hereafter be held to be illegal, and praying His Excellency to exercise his constitutional authority for restraining their issue till the question of their legality shall have been decided; and that a Committee be appointed to prepare such Address, to consist of seven members, and to be appointed by ballot.

Debate ensued.

Amendment moved by the Honorable G. Rolfe—That all the words after the word “That” be omitted, with a view to insert the following words instead thereof—“a Select Committee be appointed to consider and report upon the subject of the settlement of the land question upon a fair and equitable basis, having regard to existing interests, such Committee to consist of seven members, with power to sit during the adjournment of the House; the Committee to consist of the following members—The Honorables T. T. a’Beckett, G. W. Cole, Dr. Hope, W. Highett, J. Henty, J. McCrae, and the Mover.”

Debate ensued.

The Honorable J. B. Bennett moved, That the House do now adjourn for one hour.

Question—put and passed.

The Acting President left the Chair.

After the lapse of one hour, the Acting President resumed the Chair.

Debate resumed.

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

Council divided.

Contents, 17.

The Hon. W. H. F. Mitchell

F. Robertson

J. Stewart

D. Kennedy

W. Hull

J. Sutherland

S. G. Henty

W. Highett

T. H. Power

J. B. Bennett

R. Thomson

Dr. Hope

J. P. Fawkner

A. Fraser

C. Vaughan

G. S. Coppin

T. H. Fellows (*Teller*).

Not Contents, 4.

The Hon. G. Rolfe

T. T. a’Beckett

G. W. Cole

Dr. Wilkie (*Teller*).

The question was therefore passed.

Question—That an Address be presented to the Governor, submitting to His Excellency the great inconvenience and danger that will result from the issue of the proposed Occupation Licenses for agricultural purposes, should they hereafter be held to be illegal, and praying His Excellency to exercise his constitutional authority for restraining their issue till the question of their legality shall have been decided; and that a Committee be appointed to prepare such Address, to consist of seven members, and to be appointed by ballot—put and passed.

The Council then proceeded to the ballot, and the following members being reported by the Clerk to have the greatest number of votes, were declared by the Acting President to be the members of the Committee, viz: The Honorables J. B. Bennett, T. H. Fellows, W. H. F. Mitchell, Dr. Hope, Dr. Wilkie, S. G. Henty, and F. Robertson.
The Acting President appointed three o'clock on Thursday, the 26th instant, to be the hour of meeting for the Committee.

POSTPONEMENT.—The following Order of the Day was postponed until Thursday, the 26th instant:—

“*Weights and Measures Bill* (2)—Adoption of Report.

The Council adjourned at five minutes to nine o'clock until four o'clock on Thursday, the 26th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 26TH SEPTEMBER.

NOTICE OF MOTION:—

1. The Hon. T. H. FELLOWS: To move—
 - (1.) That a Select Committee be appointed to enquire into the circumstances attending the alleged transmission of a Telegram to the Mining Registrar at Ballarat, instructing him to disobey the Court of Mines; with power to take evidence, and to call for persons and papers.
 - (2.) That such Committee shall consist of the Honorables Dr. Wilkie, W. H. F. Mitchell, T. H. Power, J. B. Bennett, W. Highett, W. Hull, and the Mover, and shall have power to sit during the adjournment of the House.

ORDER OF THE DAY:—

1. WEIGHTS AND MEASURES BILL (2).—Adoption of Report.

TUESDAY, 1ST OCTOBER.

NOTICE OF MOTION:—

1. The Hon. G. ROLFE: To move for leave to introduce a Bill intituled “*An Act to confer on Notaries Public appointed in Ireland and Scotland the same rights and privileges in the Colony of Victoria as are exercised by Notaries Public appointed in England and now officiating in this Colony.*”

ORDER OF THE DAY:—

1. SCOTCH PROCURATORS BILL.—To be read a second time.

TUESDAY, 8TH OCTOBER.

ORDERS OF THE DAY:—

1. COMMON LAW PRACTICE ACT AMENDMENT BILL.—To be read a second time.
2. ADMINISTRATION OF LAW (JUSTICES) BILL.—Adoption of Report.

MEETING

OF

SELECT COMMITTEE.

Thursday, 26th September.

OCCUPATION LICENSES—at 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 SEPTEMBER, 1861.

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

The Acting President read the Prayer.

TARANAKI RELIEF FUND.—The Acting President announced to the Council that he had received the following communication from the Speaker of the House of Representatives at Auckland, New Zealand, and the same was read to the Council.

NEW ZEALAND.

House of Representatives,
Auckland, 22nd August, 1861.

SIR,

I have great pleasure in forwarding to you the enclosed Resolution of the House of Representatives of New Zealand, expressive of the gratitude felt by this Colony for the very liberal grant made by the Legislature of Victoria in aid of the Taranaki Relief Fund.

I have the honor to be,
Sir,
Your most obedient and humble servant,
D. MONRO,
Speaker.

The Honorable the President of the Legislative Council,
Melbourne.

NEW ZEALAND.

(*Extract from the Journals of the House of Representatives, Thursday, 22nd August, 1861.*)

Resolved—That the thanks of this House be presented to the Legislature of the Colony of Victoria, for the very liberal grant of One thousand pounds made by that body towards the Taranaki Relief Fund; and that Mr. Speaker do forward copies of this resolution to the President and Speaker respectively of the two branches of the Legislature of Victoria.

(True Extract.)

D. MONRO,
Speaker.

OCCUPATION LICENSES.—The Honorable W. H. F. Mitchell, as Chairman of the Select Committee appointed on the 25th instant, to prepare an Address “to the Governor, submitting to His Excellency the great inconvenience and danger that will result from the issue of the proposed Occupation Licenses for agricultural purposes, should they hereafter be held to be illegal, and praying His Excellency to exercise his constitutional authority for restraining their issue till the question of their legality shall have been decided,” brought up the Address prepared by the Committee.

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

To His Excellency SIR HENRY BARKLY, Knight Commander of the Most Honorable Order of the Bath, Captain-General and Governor-in-Chief of the Colony of Victoria, and Vice-Admiral of the same, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, Her Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, beg most respectfully to approach Your Excellency as the representative of our Sovereign.

We assure Your Excellency of our devoted attachment to Her Majesty's Crown and person.

We deem it our duty again to bring under Your Excellency's attention the administration of the Crown lands of the Colony by the present ministry.

We have already declared to Your Excellency our opinion, and we now repeat it, that the issue of licenses for residence and cultivation on the gold fields would be illegal.

We have since learned from Your Excellency's Address at the opening of Parliament, that the system against which we protested was intended to embrace agricultural purposes; and from Regulations promulgated by the President of the Board of Land and Works, it appears that such agricultural licenses are intended to extend to areas of 160 acres, to be taken from any portion of the country lands of the Colony, and to be held for a period of seven years at an annual rental of 2s. 6d. per acre.

It is notorious that measures have been taken with a view to have the legality of these licenses tested before the Supreme Court of the Colony, and, if the ministers please, the result can be ascertained without any extraordinary delay, certainly within two months.

We are, however, aware that the ministers have declared that under no circumstances will they stay the illegal course they are bent upon pursuing, and having obtained an adjournment of the other branch of the Legislature for a month, we have reason to dread that they will, if unchecked, give such encouragement to persons to appropriate the public lands as will hereafter involve in ruin individuals imprudently accepting the offers of the Board of Land and Works, and possibly plunge the colony into anarchy.

Your Excellency is necessarily aware of the effect which has been produced upon the best interests of the Colony, and which must be produced upon our credit in the mother country by the mere threat of your advisers to act in violation of the law, and we cannot think that Your Excellency, under any view which may be taken of Constitutional Government, is bound to receive, or, as Her Majesty's representative, is justified in acting upon, the advice of those who recommend the adoption of a course, the legality of which is about to be submitted for the decision of a court of law.

We therefore pray Your Excellency, as the guardian alike of the liberties of the colonists and, as the Queen's representative, of the interests of our English creditors, to employ such measures as the Constitution confides in Your Excellency, to stay the proceedings of the Board of Land and Works in this matter until the Supreme Court shall have had an opportunity of declaring what the legal powers of the Board are with regard to the lands of the Colony.

The Honorable W. H. F. Mitchell moved, That the Address be now adopted.

Amendment moved by the Honorable T. H. Fellows, That the following words be inserted after the words "legality of which" in the seventh line of the eighth paragraph, viz., "was denied by both Houses in the last Parliament and."

Debate ensued.

Amendment by leave withdrawn.

Amendment moved by the Honorable T. T. a'Beckett, That the word "illegal" in the second line of the seventh paragraph be omitted, with a view to insert after the word "course" the following words:—"which in the opinion of this House is illegal, and which."

Question—That the words proposed to be omitted be so omitted—put and negatived.

Amendment moved by the Honorable T. H. Fellows, That the following words be inserted after the words "legality of which" in the seventh line of the eighth paragraph, viz., "was denied by both Houses in the last Parliament, and."

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

Question—That the Address as amended be now adopted—put.

Council divided.

Contents, 17.

The Hon. F. Robertson
 J. F. Strachan
 R. Thomson
 T. H. Fellows
 S. G. Henty
 W. Degraives
 B. Williams
 T. H. Power
 C. Vaughan
 W. Highett
 J. Sutherland
 Dr. Hope
 J. P. Fawkner
 W. Hull
 A. Fraser
 G. S. Coppin
 W. H. F. Mitchell (*Teller*).

Not Contents, 3.

The Hon. G. W. Cole
 T. T. a'Beckett
 Dr. Wilkie (*Teller*).

The question was therefore passed.

ORDER OF COURT OF MINES, BALLAARAT.—The Honorable T. H. Fellows, in accordance with notice, moved—

That a Select Committee be appointed to enquire into the circumstances attending the alleged transmission of a Telegram to the Mining Registrar at Ballaarat, instructing him to disobey the Court of Mines; with power to take evidence, and to call for persons and papers.

That such Committee shall consist of the Honorables Dr. Wilkie, W. H. F. Mitchell, T. H. Power, J. B. Bennett, W. Highett, W. Hull, and the Mover, and shall have power to sit during the adjournment of the House.

Debate ensued.

Question—That a Select Committee be appointed to enquire into the circumstances attending the alleged transmission of a Telegram to the Mining Registrar at Ballaarat, instructing him to disobey the Court of Mines; with power to take evidence, and to call for persons and papers—put and passed.

Question—That such Committee shall consist of the Honorables Dr. Wilkie, W. H. F. Mitchell, T. H. Power, J. B. Bennett, W. Highett, W. Hull, and the Mover, and shall have power to sit during the adjournment of the House—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 1st proximo:—

“*Weights and Measures Bill (2)*—Adoption of Report.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 1ST OCTOBER.

NOTICE OF MOTION:—

1. The Hon. G. ROLFE: To move for leave to introduce a Bill intituled “*An Act to confer on Notaries Public appointed in Ireland and Scotland the same rights and privileges in the Colony of Victoria as are exercised by Notaries Public appointed in England and now officiating in this Colony.*”

ORDERS OF THE DAY:—

1. SCOTCH PROCURATORS BILL.—To be read a second time.
2. WEIGHTS AND MEASURES BILL (2).—Adoption of Report.

TUESDAY, 8TH OCTOBER.

ORDERS OF THE DAY:—

1. COMMON LAW PRACTICE ACT AMENDMENT BILL.—To be read a second time.
2. ADMINISTRATION OF LAW (JUSTICES) BILL.—Adoption of Report.

MEETING

OF

SELECT COMMITTEE.

Tuesday, 1st October.

ORDER OF COURT OF MINES, BALLAARAT—at 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
 OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 1ST OCTOBER, 1861.

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

The Acting President read the Prayer.

REPLY OF THE GOVERNOR TO ADDRESS.—The Honorable Dr. Wilkie presented to the Council a Reply from His Excellency the Governor to the Address of the Council, adopted on the 26th ultimo, on the subject of Occupation Licenses.

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

HENRY BARKLY,

Governor.

In acknowledging receipt of an Address from the Legislative Council, repeating the opinion already expressed by them with respect to the issue by the Board of Land and Works of Occupation Licenses under the 68th section of the Crown Lands Sales Act, the Governor must refer to the reply which he gave on the former occasion.

As regards the imputation on his Ministers of threatening a violation of the law, it is only necessary to state that they are thoroughly satisfied as well of the legalit as of the policy of the course they have adopted. That course has been sustained by the country and by the other House of Parliament, and the Governor cannot, without violating the principles of Responsible Government, interfere in the manner that the Legislative Council request.

Government Offices,

Melbourne, 1st October, 1861.

PAPERS.—The Honorable Dr. Wilkie presented to the Council the following Papers:—

1. Occupation License Regulations for Country Lands (27th August, 1861).
2. Offences under 24 Victoria No. 117.—Proclamation (29th August, 1861).
3. Belvoir Town Common.—Proclamation (2nd September, 1861).
4. St. Andrew's Division of Castlemaine Mining District, Alteration of.—Order in Council (9th Sept. 1861). Castlemaine Mining District, Alteration of.—Order in Council (9th Sept. 1861).

Ordered severally to lie on the Table.

PETITION.—The Honorable J. P. Fawkner presented a Petition, signed by D. Prophet, on the subject of the Scotch Procurators Bill now before the Council.

Petition received.

The Honorable J. P. Fawkner moved, That the Petition be referred to the Committee to which the Scotch Procurators Bill may be referred.

Question—put and passed.

SCOTCH PROCURATORS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable G. Rolfe moved, That the Bill be now read a second time.

Debate ensued.

Question—put.

Council divided.

Contents, 11.
 The Hon. G. W. Cole
 R. Thomson
 G. Rolfe
 D. Kennedy
 F. Robertson
 J. F. Strachan
 J. McCrae
 Dr. Hope
 J. Sutherland
 J. Henty
 Dr. Wilkie (*Teller*).

Not Contents, 13.
 The Hon. C. Vaughan
 N. Black
 A. Fraser
 B. Williams
 W. Hull
 W. Degraives
 W. Highett
 H. Miller
 J. P. Fawkner
 W. H. F. Mitchell
 T. H. Power
 J. B. Bennett
 T. H. Fellows (*Teller*).

The question was therefore negatived.

WEIGHTS AND MEASURES BILL (2).—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 Acting 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 for Weights and Measures.*"

Question—put and passed.

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

ADJOURNMENT.—The Honorable W. H. F. Mitchell, 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 minutes past five o'clock until four o'clock on Tuesday, the 8th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 8TH OCTOBER.

ORDERS OF THE DAY :—

1. COMMON LAW PRACTICE ACT AMENDMENT BILL.—To be read a second time.
2. ADMINISTRATION OF LAW (JUSTICES) BILL.—Adoption of Report.

TUESDAY, 5TH NOVEMBER.

NOTICE OF MOTION :—

1. The Hon. G. ROLFE : To move for leave to introduce a Bill intituled "*An Act to confer on Notaries Public appointed in Ireland and Scotland the same rights and privileges in the Colony of Victoria as are exercised by Notaries Public appointed in England and now officiating in this Colony.*"

MEETING OF SELECT COMMITTEE.

Friday, 4th October.

ORDER OF COURT OF MINES, BALLAARAT—at half-past 1 o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 8TH OCTOBER, 1861.

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

The Acting President read the Prayer.

PAPERS.—The Honorable Dr. Wilkie presented to the Council the following Papers :—

1. Auriferous Land.—Regulations for Mining Leases.—Order in Council (16 September, 1861).
 2. Agriculture. Board of.—Second Annual Report.
- Ordered severally to lie on the Table.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Tuesday, the 22nd instant :—

“ *Common Law Practice Act Amendment Bill* ”—to be read a second time ;

“ *Administration of Law (Justices) Bill* ”—adoption of Report.

ADJOURNMENT.—The Honorable Dr. Wilkie, 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 a quarter past four o'clock until four o'clock on Tuesday, the 15th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 15TH OCTOBER.

NOTICES OF MOTION :—

1. The Hon. T. H. FELLOWS : To move for leave to bring in a Bill to amend the law relating to Attorneys, Solicitors, Proctors, and Conveyancers.
2. The Hon. W. H. F. MITCHELL : To move, That an Address be presented to the Queen, calling Her Majesty's attention to the administration of affairs in this Colony ; and that a Select Committee be appointed to prepare such Address, to consist of the Honorables T. H. Fellows, J. B. Bennett, Dr. Hope, Dr. Wilkie, S. G. Henty, F. Robertson, and the Mover.

TUESDAY, 22ND OCTOBER.

ORDERS OF THE DAY :—

1. COMMON LAW PRACTICE ACT AMENDMENT BILL.—To be read a second time.
2. ADMINISTRATION OF LAW (JUSTICES) BILL.—Adoption of Report.

TUESDAY, 5TH NOVEMBER.

NOTICES OF MOTION :—

1. The Hon. G. ROLFE : To move for leave to introduce a Bill intituled “ *An Act to confer on Notaries Public appointed in Ireland and Scotland the same rights and privileges in the Colony of Victoria as are exercised by Notaries Public appointed in England and now officiating in this Colony.* ”
2. The Hon. G. ROLFE : To move for leave to bring in a Bill for the better regulating the sale of Crown Lands and the occupation of the Waste Lands of this Colony and for other purposes.

MEETING
OF
SELECT COMMITTEE.

Thursday, 10th October.

ORDER OF COURT OF MINES, BALLAARAT—at 11 o'clock.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 15TH OCTOBER, 1861.

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

The Acting President read the Prayer.

PAPERS.—The Honorable Dr. Wilkie presented to the Council the following Papers:—

1. Country Lands Occupation Licenses—Modification of (25th September, 1861).
2. Farmers' Commons—Proclamation of (16th September, 1861).
3. Residence and Cultivation Licenses—Regulations (7th October, 1861).

Ordered severally to lie on the Table.

ATTORNEYS, SOLICITORS, ETC., BILL.—The Honorable T. H. Fellows, in accordance with notice, moved for leave to bring in a Bill to amend the law relating to Attorneys, Solicitors, Proctors, and Conveyancers.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable T. H. Fellows, read a first time, ordered to be printed, and read a second time this day fortnight.

ADJOURNMENT.—The Honorable Dr. Wilkie, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until this day fortnight.

Question—put and passed.

POSTPONEMENT.—The Honorable Dr. Wilkie moved, with leave of the Council, without notice, That the business set down for the 22nd instant be postponed until the 29th instant.

Question—put and passed.

The Council adjourned at twenty-five minutes past four o'clock until four o'clock on Tuesday, the 29th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 29TH OCTOBER.

NOTICES OF MOTION:—

1. The Hon. G. ROLFE: To ask the Honorable Member representing the Government if there is a sum appropriated from which private members can obtain assistance in preparing Public Bills.
2. The Hon. W. HULL: To ask the Honorable Member representing the Government, with reference to the circular to the Governors of New South Wales, Tasmania, South Australia, Queensland, Western Australia, and New Zealand, dated 28th December, 1860, requesting to know if they are prepared to furnish their quota towards the payment of the Head Quarters' Staff in this command, as the Imperial Government may deem fair, if any replies have been received to the Governor's despatch, and, if so, of what nature.
3. The Hon. T. H. FELLOWS: To move, That a Message be transmitted to the Legislative Assembly, requesting that the Honorable John Basson Humffray, a member of that House, may have leave to give evidence before the Select Committee of this House on the Ballarat Court of Mines, and the alleged transmission of Telegrams to the Registrar of that Mining District.
4. The Hon. T. H. FELLOWS: To move for leave to bring in a Bill to establish a Court of Bankruptcy.

5. The Hon. W. H. F. MITCHELL: To move, That an Address be presented to the Queen, calling Her Majesty's attention to the administration of affairs in this Colony; and that a Select Committee be appointed to prepare such Address, to consist of the Honorables T. H. Fellows, J. B. Bennett, Dr. Hope, Dr. Wilkie, S. G. Henty, F. Robertson, and the Mover.

ORDERS OF THE DAY :—

1. ATTORNEYS, SOLICITORS, ETC., BILL.—To be read a second time.
2. COMMON LAW PRACTICE ACT AMENDMENT BILL.—To be read a second time.
3. ADMINISTRATION OF LAW (JUSTICES) BILL.—Adoption of Report.

TUESDAY, 5TH NOVEMBER.

NOTICES OF MOTION :—

1. The Hon. G. ROLFE: To move for leave to introduce a Bill intituled "*An Act to confer on Notaries Public appointed in Ireland and Scotland the same rights and privileges in the Colony of Victoria as are exercised by Notaries Public appointed in England and now officiating in this Colony.*"
2. The Hon. G. ROLFE: To move for leave to bring in a Bill for the better regulating the sale of Crown Lands and the occupation of the Waste Lands of this Colony and for other purposes.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 29TH OCTOBER, 1861.

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

The Acting President read the Prayer.

SUSPENSION OF STANDING ORDER.—The Honorable T. H. Power moved, That the Standing Order No. XXIV. be suspended, in order to enable him to move, without notice, that there be a call of the House on the 12th proximo.

Question—put and passed.

CALL OF THE COUNCIL.—The Honorable T. H. Power moved, That there be a Call of the House on the 12th proximo.

Question—put and passed.

PAPERS.—The Honorable Dr. Wilkie presented to the Council the following papers:—

1. Bairnsdale Town Common altered—Proclamation (30th September, 1861).
2. Belmont Town Common—Rules for Management of (24th September, 1861).
3. Depasturing Sheep on Farmers' Commons—Proclamation prohibiting (28th August, 1861).
4. Crown Lands Alienated—Return of (1st April to 30th June, 1861).
5. Fees of Court in Proceedings under the Divorce Act—Scale of (2nd October, 1861).

Ordered severally to lie on the Table.

SUBPENA OF SUPREME COURT.—The Acting President informed the Council that the Clerk of the Council had been served with a subpoena to appear in the Supreme Court in a matter relating to the Ovens Gold Field Water Company.

The Honorable Dr. Wilkie moved, That leave be given to the Clerk of the Council to attend at the Supreme Court.

Question—put and passed.

MESSAGE TO THE LEGISLATIVE ASSEMBLY.—The Honorable W. H. F. Mitchell, on behalf of the Honorable T. H. Fellows, moved, That a Message be transmitted to the Legislative Assembly, requesting that the Honorable John Basson Humffray, a member of that House, may have leave to give evidence before the Select Committee of this House on the Ballarat Court of Mines, and the alleged transmission of telegrams to the Registrar of that mining district.

Question—put and passed.

BANKRUPTCY COURT BILL.—The Honorable W. H. F. Mitchell, on behalf of the Honorable T. H. Fellows, moved for leave to bring in a Bill to establish a Court of Bankruptcy.

Question—put and passed.

Bill brought in, read a first time, ordered to be printed, and read a second time on the next day of meeting of the Council.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Tuesday, the 12th proximo:—

“Attorneys, Solicitors, &c., &c., Bill”—to be read a second time.

“Common Law Practice Act Amendment Bill”—to be read a second time.

ADMINISTRATION OF LAW (JUSTICES) 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 W. H. F. Mitchell moved, That the Report be now adopted.

Question—put and passed.

The Honorable W. H. F. Mitchell moved, That the third reading of the Bill be made an Order of the Day for this day fortnight.

Question—put and passed.

ADJOURNMENT.—The Honorable Dr. Wilkie, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday the 12th proximo.

Question—put and passed.

SELECT COMMITTEES.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That all Select Committees of the House have power to sit during the adjournment.

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until four o'clock on Tuesday, the 12th proximo.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 12TH NOVEMBER.

1. The Hon. J. P. FAWKNER: To ask—
 - (1.) Are the wooden steps to that highly-decorated building, the Treasury, to be temporary or permanent?
 - (2.) What is to be the cost of erecting said wooden steps, &c., to this grand stone edifice?
 - (3.) How long would it take to erect proper stone stairs to the said Treasury?
 - (4.) Why have not stone stairs been built up to the front entrance, as a proper finish to this very expensive and long delayed building?
 - (5.) Has the same house as was in use previously been taken for the year following, from 30th September, 1861, to September, 1862, as a Treasury and Gold Office?
 - (6.) And at what rent for the year or period for which said house has been taken?
2. The Hon. J. P. FAWKNER: To ask—
 - (1.) Are the present Government about to erect New Police Quarters on the low flat at Gisborne?
 - (2.) What sum has been voted for this purpose? or what sum have these buildings been contracted for? and when are they to be completed? Is the cost to be £1500?
 - (3.) Is it the intention of the present Government to keep up two sets of Police Quarters at Gisborne?
 - (4.) For what reason, or upon whose advice or recommendation have the present police quarters been dispensed with, situate as they are on high land, and apparently on a very sanitary site?
 - (5.) Is it prudent or economical to build a second set of Police Quarters in so small a town as Gisborne, when such buildings will (no doubt) be shortly required in New Gisborne, at the Station, where a township is rapidly rising?
 - (6.) Do the Government intend to appoint some person to attend to the gates at the crossing at the Gisborne Station before or after some loss of life has taken place,—the crossing being a much-used thoroughfare?
3. The Hon. G. S. COPPIN: To ask if the Government is aware that serious public inconvenience is occasioned at various places in the country, for the want of telegraph forms and envelopes, by which the secrecy of a telegram is greatly jeopardized.
4. The Hon. J. P. FAWKNER: To ask why copies of the Estimates were not forwarded to Members of this House at a time when they were in the hands of some of the public out of doors.

ORDER OF THE DAY:—

1. CALL OF THE HOUSE.

NOTICES OF MOTION:—

1. The Hon. W. H. F. MITCHELL: To move, That an Address be presented to the Queen, calling Her Majesty's attention to the administration of affairs in this Colony; and that a Select Committee be appointed to prepare such Address, to consist of the Honorables T. H. Fellows, J. B. Bennett, Dr. Hope, Dr. Wilkie, S. G. Henty, F. Robertson, and the Mover.
2. The Hon. G. ROLFE: To move for leave to bring in a Bill for the better regulating the sale of Crown Lands and the occupation of the Waste Lands of this Colony and for other purposes.

ORDERS OF THE DAY:—

2. BANKRUPTCY COURT BILL.—To be read a second time.
3. ATTORNEYS, SOLICITORS, ETC., BILL.—To be read a second time.
4. COMMON LAW PRACTICE ACT AMENDMENT BILL.—To be read a second time.
5. ADMINISTRATION OF LAW (JUSTICES) 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, 12TH NOVEMBER, 1861.

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

The Acting President read the Prayer.

PAPERS.—The Honorable Dr. Wilkie presented to the Council the following Papers :—

1. Electors, Registration of Parliamentary.—Payments made under 22 Victoria, No. 81, s. 30.
2. Queensland Government—Despatch from the Right Honorable the Secretary of State with Act 24 and 25 Vict., cap. XLIV.
3. Death of Her Royal Highness the Duchess of Kent.—Despatch from the Right Honorable the Secretary of State, acknowledging an Address from the Council (12th August, 1861).
4. Public Accounts—Regulations respecting (23rd September, 1861).

Ordered severally to lie on the Table.

REFRESHMENT ROOMS (JOINT) SELECT COMMITTEE.—The Honorable W. Highett brought up the First Progress Report of the Select Committee of both Houses appointed for the management of the Refreshment Rooms, and moved that it be printed and taken into consideration on the next day of meeting of the Council.

Question—put and passed.

CALL OF THE HOUSE.—The Order of the Day for a Call of the House being called on, the names of the members of the House were called over by the Clerk, by direction of the Acting President, in alphabetical order.

The Honorable Sir James F. Palmer was absent by permission of the House.

The Honorable the Acting President having announced to the Council that the Honorable N. Black was prevented from attending in his place by reason of ill health, the absence of the Honorable N. Black was excused.

The Honorable T. H. Fellows was absent, but afterwards appeared in his place.

CROWN LANDS RESOLUTIONS.—The Honorable G. Rolfe, in accordance with *amended* notice, moved for leave to propose Resolutions for the better regulating the Sale of Crown Lands and the Occupation of the Waste Lands of the Colony, and for other purposes, and that the House resolve itself into a Committee of the whole on the next day of meeting to take the said resolutions into consideration.

Question—put and passed.

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

MR. ACTING PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have given leave to the Honorable John Basson Humffray, a Member of this House, to attend to be examined as a witness and give evidence before the Select Committee of the Legislative Council, appointed in the present Session on the Ballarat Court of Mines and the alleged transmission of Telegrams to the Registrar of that mining district.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 5th November, 1861.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until the next day of meeting:—

- “*Bankruptcy Court Bill*”—to be read a second time;
- “*Attorneys, Solicitors, &c., Bill*”—to be read a second time;
- “*Common Law Practice Act Amendment Bill*”—to be read a second time.

CATTLE DISEASE PREVENTION BILL.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, for leave to bring in a Bill to regulate the importation of Cattle, for the purpose of preventing the introduction of Contagious or Infectious Disorders, and to prevent the propagation thereof in the Colony.

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 to-morrow.

ADMINISTRATION OF LAW (JUSTICES) BILL.—The Acting 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 title of the Bill be “*An Act for the better administration of the Law by Justices of the Peace and for other purposes in connection therewith.*”

Question—put and passed.

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

The Council adjourned at ten minutes past five o'clock until four o'clock on Wednesday, the 13th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 13TH NOVEMBER.

1. The Hon. W. HIGGETT: To ask, on the next day of meeting—
 - (1.) If the attention of the Government has been drawn to the great inconvenience experienced by purchasers of town and special lands at the sales held at Benalla and Mansfield, in consequence of the purchase money having to be paid at Beechworth.
 - (2.) Will the Government consent to give purchasers the option of paying for their land either at Melbourne or Beechworth.
2. The Hon. W. HULL: To ask whether the Government will at an early date lay upon the Table of the House plans showing the course taken by Burke and Wills in crossing the continent to the shores of the Gulf of Carpentaria.

NOTICES OF MOTION:—

1. The Hon. DR. WILKIE: To move, That this House deeply deplores the painful and affecting circumstances under which the intrepid explorers, Burke and Wills, met an untimely death on their return to Cooper's Creek, after having, with unexampled courage and endurance, discovered for the first time a practicable route through Central Australia from Melbourne to the Gulf of Carpentaria; and while it records its admiration of their heroic conduct, and its grateful appreciation of their invaluable labors, it desires to express its warmest sympathy for their bereaved and sorrowing relatives, and it indulges the hope that the Colony of Victoria will not be slow to mark, in a suitable and enduring manner, the high esteem which is entertained for the memory of the deceased.
2. The Hon. T. T. A'BECKETT: To move, next day of meeting, for leave to introduce a Bill to repeal “*An Act to regulate the temporal affairs of Churches and Chapels of the United Kingdom of England and Ireland in New South Wales,*” and to make other provisions instead thereof.
3. The Hon. G. ROLFE: That, *contingent* on the Bill introduced by the Honorable T. H. Fellows, intituled “*An Act to amend the law relating to Attorneys Solicitors Proctors and Conveyancers,*” being read a second time, he will move that the following provisions be inserted in or added to the Bill, and referred to the Committee thereon for that purpose:—

1. To follow Section XVIII.—

“Also notwithstanding the provisions herein contained every person who was admitted a writer to the signet or solicitor of the Supreme Court or procurator of any of the Sheriff Courts of Scotland and *who was resident in this Colony for a period of five years immediately previous to the date of this Act and shall continue such*

“*residence within the said Colony until the date of making application as after mentioned* shall be entitled to be admitted and be admissible as a solicitor attorney and proctor of the Supreme Court of this Colony but always in the same form and upon payment of the fees as were previous to the passing of this Act required in this Colony in the case of solicitors previously admitted in Scotland Provided that every person applying for such admission shall previously have been in practice under a Government license or certificate or have served under articles which may have been continued in this Colony for such period as shall make their whole service or practice extend to at least five years But provided also that every such person shall within a period of six months from and after the passing of this Act give the preliminary notices which previous to the date hereof were required by the rules of the said Supreme Court and thereupon make due application to the Court for his admission as aforesaid.”

To follow Section LXXXVII.—

“Also notwithstanding the provision herein contained every person who was an *articled clerk* to a writer to the signet or to a solicitor of the Supreme Court or to a procurator of any of the Sheriff Courts of Scotland, and *who was resident in this Colony for a period of five years immediately previous to the date of this Act and shall continue such residence within the said Colony until the date of making application as after mentioned* shall be entitled to be admitted and be admissible as a solicitor attorney and proctor of the Supreme Court of this Colony but always in the same form and after undergoing the like examination and upon payment of the same fees as were previous to the passing of this Act required in this Colony in the case of articled clerks Provided that every person applying for such admission shall have previously served under articles which may have been continued in this Colony for such period as shall make their whole service extend to at least five years But provided also that every such person shall within a period of six months from and after the passing of this Act give the preliminary notices which previous to the date hereof were required by the rules of the said Supreme Court and thereafter duly submit himself to the said examination and thereupon make due application to the court for his admission as aforesaid.”

ORDERS OF THE DAY:—

1. REFRESHMENT ROOMS (JOINT) SELECT COMMITTEE.—Report to be considered.
2. CROWN LANDS RESOLUTIONS.—To be considered in Committee.
3. BANKRUPTCY COURT BILL.—To be read a second time.
4. ATTORNEYS SOLICITORS, &C. BILL.—To be read a second time.
5. COMMON LAW PRACTICE ACT AMENDMENT BILL.—To be read a second time.
5. CATTLE DISEASE PREVENTION 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, 13TH NOVEMBER, 1861.

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

The Acting President read the Prayer.

BURKE AND WILLS, THE EXPLORERS.—The Honorable Dr. Wilkie, in accordance with notice, moved, That this House deeply deplores the painful and affecting circumstances under which the intrepid explorers, Burke and Wills, met an untimely death on their return to Cooper's Creek, after having, with unexampled courage and endurance, discovered for the first time a practicable route through Central Australia from Melbourne to the Gulf of Carpentaria; and, while it records its admiration of their heroic conduct, and its grateful appreciation of their invaluable labors, it desires to express its warmest sympathy for their bereaved and sorrowing relatives, and it indulges the hope that the Colony of Victoria will not be slow to mark, in a suitable and enduring manner, the high esteem which is entertained for the memory of the deceased.

Amendment moved by the Honorable J. P. Fawkner, That the words "and their companion Gray" be added after the word "Wills."

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

Question—That this House deeply deplores the painful and affecting circumstances under which the intrepid explorers, Burke and Wills, and their companion Gray, met an untimely death on their return to Cooper's Creek, after having, with unexampled courage and endurance, discovered for the first time a practicable route through Central Australia from Melbourne to the Gulf of Carpentaria; and, while it records its admiration of their heroic conduct, and its grateful appreciation of their invaluable labors, it desires to express its warmest sympathy for their bereaved and sorrowing relatives, and it indulges the hope that the Colony of Victoria will not be slow to mark, in a suitable and enduring manner, the high esteem which is entertained for the memory of the deceased—put and passed.

CHURCH OF ENGLAND TEMPORALITIES BILL.—The Honorable T. T. a'Beckett, in accordance with notice, moved for leave to introduce a Bill to repeal "*An Act to regulate the temporal affairs of Churches and Chapels of the United Kingdom of England and Ireland in New South Wales,*" and to make other provisions instead thereof.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable T. T. a'Beckett, read a first time, ordered to be printed, and read a second time on Wednesday, 27th instant.

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

"*Refreshment Rooms (Joint) Select Committee Report*"—to be considered on Wednesday, 27th instant.

"*Crown Lands Resolutions*"—to be considered in Committee on Tuesday, 26th instant.

BANKRUPTCY COURT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved that the same be discharged from the paper.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Wednesday, the 27th instant:—

"*Attorneys, Solicitors, &c., Bill*"—to be read a second time.

"*Common Law Practice Act Amendment Bill*"—to be read a second time.

CATTLE DISEASE PREVENTION 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.

Debate ensued.

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 Acting President do now leave the Chair—put and passed.

The Acting President left the Chair.

The Chairman of Committees left the Chair.

The Acting President resumed the Chair.

ADJOURNMENT.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday, the 14th January, 1862.

Question—put and passed.

The Council adjourned at ten minutes past five o'clock until four o'clock on Tuesday, the 14th January, 1862.

ORDERS OF THE DAY.

TUESDAY, 14TH JANUARY, 1862.

ORDERS OF THE DAY:—

1. CROWN LANDS RESOLUTIONS.—To be considered in Committee.
2. CHURCH OF ENGLAND TEMPORALITIES BILL.—To be read a second time.
3. REFRESHMENT ROOMS (JOINT) SELECT COMMITTEE REPORT.—To be considered.
4. ATTORNEYS, SOLICITORS, ETC., BILL.—To be read a second time.
5. COMMON LAW PRACTICE ACT 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.

TUESDAY, 14TH JANUARY, 1862.

The Council met in accordance with adjournment.—The Acting President took the Chair, The Acting President read the Prayer.

ELECTION OF MEMBER.—The Acting President notified to the Council that a letter had been received from the Private Secretary of His Excellency the Governor, reporting, for the information of the Acting President of the Council, that a writ, issued by the Governor on the 30th day of December, 1861, for an election of one Member to serve in the Legislative Council for the North-western Province, in consequence of the Honorable William Henry Fancourt Mitchell having accepted an office of profit under the Crown, has been returned to His Excellency; by which it appears, upon the authority of David Mackay, Esq., the Returning Officer, that the said Honorable William Henry Fancourt Mitchell was duly re-elected.

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

“I, WILLIAM HENRY FANCOURT MITCHELL, 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 tenement out of which such qualification arises are situate in the parish of Emberton, in the county or reputed county of Dalhousie, the descriptions of which lands and tenements are as follow :—Four thousand seven hundred acres, parish of Emberton, county of Dalhousie. 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.

“W. H. F. MITCHELL.”

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following Papers :—

1. Statistics of Victoria, 1860.
2. Hamilton County Court, Abridgment of interval.—Order in Council (4th November, 1861).
3. Maryborough Division of Maryborough Mining District.—Polling Places altered.—Order in Council (4th November, 1861).
4. Mails—Contract for Carriage of.—Agreement (16th April, 1861).
5. Mail Service between United Kingdom and Australia.—Despatch from the Right Honorable the Secretary of State for the Colonies, with correspondence (26th April, 1861).

Ordered severally to lie on the Table.

CROWN LANDS RESOLUTIONS.—The Order of the Day for the consideration of these resolutions in Committee of the whole Council being read, the Honorable G. Rolfe moved, That the same be discharged from the paper.

Question—put and passed.

POSTPONEMENT.—The Order of the Day for the second reading of the Church of England Temporalities Bill was postponed until Tuesday, the 21st instant.

REFRESHMENT ROOMS (JOINT) SELECT COMMITTEE REPORT.—The Order of the Day for the consideration of the Progress Report (6th November, 1861) of the Joint Committee of both Houses of Parliament, appointed to manage the Refreshment Rooms, being read, the Honorable W. Highett moved, That the Report be adopted.

Question—put and passed.

The Honorable W. Highett moved, That a Message be sent to the Legislative Assembly to acquaint them that the Council have adopted the Report.

Question—put and passed.

POSTPONEMENT.—The Order of the Day for the second reading of the Attorneys, Solicitors, &c., Bill, was postponed until Tuesday, the 28th instant.

COMMON LAW PRACTICE ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved, That the same be discharged from the paper.

Question—put and passed.

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

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to remove Doubts as to the Construction of certain Statutes and as to the validity of certain Acts purporting to be performed under them and for other purposes;*"

Also a Bill intituled "*An Act to remove Disabilities at present affecting certain classes of persons desiring to enrol themselves as Law Students with a view to admission as Barristers-at-Law;*"

in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 14th January, 1862.

The Honorable W. H. F. Mitchell moved, That the Statutes Construction Bill be now read a first time.

Question—put and passed.

The Honorable W. H. F. Mitchell moved, That the Bill be now read a second time.

Question—put and passed.

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 Acting President do now leave the Chair—put and passed.

The Acting 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 W. H. F. Mitchell moved, That the report be now adopted.

Question—put and passed.

The Acting 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 W. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be "*An Act to remove doubts as to the construction of certain Statutes and as to the validity of certain acts purporting to be performed under them and for other purposes.*"

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.

The Council adjourned at five o'clock until four o'clock on Wednesday, the 15th instant.

ORDERS OF THE DAY.

WEDNESDAY, 15TH JANUARY, 1862.

1. The Hon. W. HULL: To ask the Honorable the Commissioner of Railways, if any Progress Report has been made by the Engineer Officer appointed by the Imperial Government to carry out the defences of the Colony, subsequent to his Special Report, dated 22nd September, 1860; and, if so, will there be any objection to lay the same before this Honorable House.

TUESDAY, 21ST JANUARY.

1. The Hon. G. S. COPPIN: To ask the Honorable the Commissioner of Railways to place upon the Table of this House a Report of the South Australian Real Property Law Commission, and a copy of the South Australian Real Property Act as amended by Mr. R. H. Torrens for the Colony of Victoria.

ORDER OF THE DAY:—

1. CHURCH OF ENGLAND TEMPORALITIES BILL.—To be read a second time.

TUESDAY, 28TH JANUARY.

ORDER OF THE DAY:—

1. ATTORNEYS, SOLICITORS, ETC., 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, 15TH JANUARY, 1862.

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

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following Papers :—

1. Creswick Farmers' Common abolished.—Proclamation (28th October, 1861).
2. Bung Bong Farmers' Common enlarged.—Proclamation (21st October, 1861).
3. Wyndham Town Common altered.—Proclamation (28th October, 1861).
4. Gold Fields Commons. District between Maryborough and Amherst, Sago Hill and Campbell's Gully.—Proclamation (21st October, 1861).
5. South Hamilton Farmers' Common.—Proclamation (4th November, 1861).
6. Ararat Town Common.—Regulations (23rd September, 1861).
7. Carisbrook Town Common.—Regulation (23rd September, 1861).
8. Clunes Town Common.—Regulations (23rd September, 1861).
9. Kilmore Town Common.—Regulations (23rd September, 1861).
10. Winchelsea Town.—Alteration of. Proclamation (4th November, 1861.)
11. Graziers' Licenses for Gold Fields Commons.—Additional Regulation (13th November, 1861).
12. Amherst Farmers' Common.—Proclamation (4th November, 1861).
13. Cranbourne Town Common altered.—Proclamation (11th November, 1861).
14. Farmers' Commons—Hamilton and Bochara, Wild Duck Creek.—Proclamation (25th November, 1861).
15. Farmers' Commons—South Barnawartha, South Woorragee.—Proclamation (25th November, 1861).
16. Sandhurst Gold Fields Common enlarged.—Proclamation (25th November, 1861).
17. Mepunga Farmers' Commons—Proclamation (25th November, 1861).
18. Merino and Moolort Farmers' Commons.—Proclamation (9th December, 1861).

Ordered severally to lie on the Table.

PAPERS.—The Honorable W. H. F. Mitchell, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Expenditure under Schedule D to Act 18 and 19 Victoria, cap. 55, during 1860, on account of 1859.
2. Expenditure under Schedule D to Act 18 and 19 Victoria, cap. 55, during and on account of 1860.

Ordered severally to lie on the Table.

ADJOURNMENT.—The Honorable W. H. F. Mitchell, 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 twenty minutes past four o'clock until four o'clock on Tuesday, the 21st instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 21ST JANUARY.

1. The Hon. G. S. COPPIN : To ask the Honorable the Commissioner of Railways to place upon the Table of this House a Report of the South Australian Real Property Law Commission, and a copy of the South Australian Real Property Act as amended by Mr. R. H. Torrens for the Colony of Victoria.

NOTICE OF MOTION:—

1. The Hon. W. HULL: To move, That this Honorable House take into consideration the defenceless condition of this Colony.

ORDER OF THE DAY:—

1. CHURCH OF ENGLAND TEMPORALITIES BILL.—To be read a second time.

TUESDAY, 28TH JANUARY.

ORDER OF THE DAY:—

1. ATTORNEYS, SOLICITORS, ETC., 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, 21ST JANUARY, 1862.

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

The Acting President read the Prayer.

ROYAL ASSENT TO BILLS.—The Acting President announced to the Council that he had received an intimation from the Private Secretary to the effect that it is the intention of His Excellency the Governor to proceed to the Legislative Council Chamber, on Tuesday, the 21st day of January, to assent, in Her Majesty's name, to certain Bills passed by the Legislative Council and Legislative Assembly.

ILLNESS OF THE USHER.—The Acting President informed the Council that, in consequence of the illness of the Usher, the Clerk-Assistant had undertaken, at the Acting President's request, to perform the duties of the Usher in the Council Chamber.

BARRISTERS ADMISSION BILL.—The Honorable G. S. Coppin, with leave of the Council, moved, without notice, That this Bill, brought from the Legislative Assembly on the 14th instant, be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable G. S. Coppin, ordered to be printed, and read a second time on Tuesday, the 28th instant.

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

ROYAL ASSENT TO BILLS.—His Excellency the Governor came into the Council Chamber, and commanded the Clerk-Assistant 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 Bill:—

“An Act to remove Doubts as to the Construction of certain Statutes and as to the validity of certain acts purporting to be performed under them and for other purposes.”

The Royal Assent being 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.

“HENRY BARKLY,
“Governor.”

The Clerk of the Parliaments delivered to Mr. Speaker a schedule of the Act assented to. Mr. Speaker and the Legislative Assembly withdrew. His Excellency the Governor left the Council Chamber.

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following Papers:—
1. Omeo Division of Mining District of Beechworth altered.—Order in Council (30th December, 1861).
2. Irrewarra Farmers' Common altered.—Proclamation (9th December, 1861).
3. Merino Town Common enlarged.—Proclamation (9th December, 1861).
4. Farmers' Common at Codrington, &c.—Proclamation (30th December, 1861).
Ordered severally to lie on the Table.

ADJOURNMENT.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That the House at its rising this day adjourn until this day fortnight.

Amendment moved by the Honorable G. Rolfe, That the word “fortnight” be omitted, with a view to insert the word “week” instead thereof.

Question—That the word “fortnight,” proposed to be omitted, stand part of the question—put and passed.

Question—That the House at its rising this day do adjourn until this day fortnight—put and passed.

POSTPONEMENTS.—The Honorable G. S. Coppin moved, That the business set down for Tuesday, the 28th instant, be postponed until Tuesday, the 4th proximo.

Question—put and passed.

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following Paper :—

South Australian Real Property Act Amendment Bill, and Memoranda by Real Property Law Commission in South Australia.

Ordered to lie on the Table.

DEFENCELESS CONDITION OF THE COLONY.—The Honorable W. Hull, in accordance with notice, moved, That this Honorable House take into consideration the defenceless condition of this Colony.

Debate ensued.

Motion, by leave, withdrawn.

CHURCH OF ENGLAND TEMPORALITIES 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.

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 Acting President do now leave the Chair—put and passed.

The Acting 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.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Tuesday, the 4th proximo.

The Council adjourned at twenty minutes to six o'clock until four o'clock on Tuesday, the 4th proximo.

ORDERS OF THE DAY.

TUESDAY, 4TH FEBRUARY.

ORDERS OF THE DAY :—

1. BARRISTERS ADMISSION BILL.—To be read a second time.
2. ATTORNEYS, SOLICITORS, ETC., BILL.—To be read a second time.
3. CHURCH OF ENGLAND TEMPORALITIES BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 4TH FEBRUARY, 1862.

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

The Acting President read the Prayer.

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following Papers:—

1. Melton Town Common enlarged.—Proclamation (13th January, 1862).
2. Wangaratta Town Common.—Proclamation (13th January, 1862).
3. Smythesdale Town Common—Regulations for (13th January, 1862).
4. Pyalong Farmers' Common.—Proclamation (21st January, 1862).
5. South Australia.—Report of Real Property Commission (15th November, 1861).

Ordered severally to lie on the Table.

ADJOURNMENT.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Wednesday, the 12th instant.

Question—put and passed.

PAPER.—The Honorable W. H. F. Mitchell presented to the Council the following Paper:—

Despatch from the Major-General Commanding to His Excellency the Governor (28th November, 1861), with Report of Captain P. H. Scratchley, Royal Engineers.

The Honorable W. Hull, with leave of the Council, moved, without notice, That the Paper be printed.

Question—put and passed.

BARRISTERS' ADMISSION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable G. S. Coppin moved, That the Bill be now read a second time.

Amendment moved by the Honorable T. H. Fellows, That all the words after the word "be" be omitted, with a view to insert the words "referred to a Select Committee" instead thereof.

Debate ensued.

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

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

Question—That the Bill be referred to a Select Committee—put and passed.

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

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to amend an Act intituled 'An Act to amend the Law relating to Divorce and 'Matrimonial Causes in Victoria,'*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 4th February, 1862.

DIVORCE ACT AMENDMENT BILL.—The Honorable J. P. Fawkner moved, That this Bill be read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable J. P. Fawkner, ordered to be printed, and read a second time on Wednesday, the 12th instant.

BARRISTERS' ADMISSION BILL.—SELECT COMMITTEE.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That the Select Committee on this Bill consist of the Honorables G. S. Coppin, G. Rolfe, T. T. a'Beckett, W. H. F. Mitchell, W. Hull, and the Mover, with power to take evidence either orally or by communications in writing.

Question—put and passed.

SELECT COMMITTEES.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That all Select Committees of the House have power to meet during the adjournment.

Question—put and passed.

BARRISTERS' ADMISSION BILL.—SELECT COMMITTEE.—The Honorable G. S. Coppin, with leave of the Council, moved, without notice, That the Honorable J. P. Fawkner be added to the Select Committee on this Bill.

Question—put and passed.

ATTORNEYS, SOLICITORS, ETC., BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. H. Fellows moved, That the Order of the Day be discharged from the paper.

Question—put and passed.

CHURCH OF ENGLAND TEMPORALITIES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill was postponed until Wednesday, the 12th instant.

The Council adjourned at a quarter to five o'clock until four o'clock on Wednesday, the 12th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 12TH FEBRUARY.

1. The Hon. J. P. FAWKNER : To ask the Honorable the Commissioner of Railways whether any applications for pre-emptive rights, forwarded to the Government previous to the 1st November, 1860, were dealt with by the Board of Land and Works, and whether any of these were decided by His Excellency in Council subsequent to that date; and, if so, how many.
2. The Hon. F. ROBERTSON : To ask the Honorable the Commissioner of Railways whether it is the intention of the Government to comply with the recommendation of the Council of the Board of Agriculture, and introduce a Bill this Session to amend the Dog Act so as to make it apply to the Colony generally.
3. The Hon. W. HULL : To ask for what period the *Victoria* was victualled, what her armament, in mounted guns and ammunition, and when she may be expected back to this port.

NOTICES OF MOTION :—

1. The Hon. W. H. F. MITCHELL : To move, That leave of absence for nine months be granted to the Honorable Alexander Fraser to visit Europe on urgent private affairs.
2. The Hon. G. ROLFE : To move, for returns for—
The Number of Acres :
The Number of Sheep or Cattle said to be depasturing upon :
The Assessment paid for :
And what are the grazing capabilities of each of the undermentioned Runs respectively :—
Nog Nog Wa, Cropper's Creek, Mount Typo, in the Beechworth District.
Solitude, Parambool, in the Melbourne District.
Yambuk, in the Warrnambool District.
Conover, in the East Wimmera District.
Longwarre.
Tarween.
River Tyers East, River Tyers West, River Tyers, in the South Gipps Land District.
Burdamongee, Bynnomongee, Tongeomungin, Bindi, Gellingall, in the Omeo District.
Jack Rivulet, in the Settled District.
Allerton, in the Grant District.
Glenmore, in the Benalla District.
3. The Hon. W. HULL : To move for the production of the instructions given to Commander Norman, of H.M.C.S. *Victoria*, when sent to the Gulf of Carpentaria, together with any contingent or subsequent instructions (if any) which may have been sent to that officer since his leaving Melbourne.

ORDERS OF THE DAY :—

1. DIVORCE ACT AMENDMENT BILL.—To be read a second time.
2. CHURCH OF ENGLAND TEMPORALITIES BILL.—Adoption of Report.

MEETING OF SELECT COMMITTEE.

Wednesday, 5th February.

BARRISTERS' ADMISSION BILL—at 4 o'clock.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 12TH FEBRUARY, 1862.

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

The Acting President read the Prayer.

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following Paper :—
 Crown Lands alienated under Act 24 Victoria No. 117, from 1st July to 30th
 September, 1861.

Ordered to lie on the Table.

REFRESHMENT ROOMS (JOINT) SELECT COMMITTEE.—The Honorable W. Highett brought up
 a Progress Report from the Select Committee of both Houses of Parliament, appointed
 for the management of the Refreshment Rooms, and moved that the same be printed,
 and that its consideration be made an Order of the Day for the next day of meeting.

Question—put and passed.

LEAVE OF ABSENCE TO A MEMBER.—HONORABLE A. FRASER.—The Honorable W. H. F.
 Mitchell, in accordance with notice, moved, That leave of absence for nine months be
 granted to the Honorable Alexander Fraser, to visit Europe on urgent private affairs.

Debate ensued.

Question—put.

Council divided.

Contents, 15.
 The Hon. W. H. F. Mitchell
 S. G. Henty
 J. Sutherland
 F. Robertson
 W. Degraives
 W. Hull
 D. Kennedy
 W. Highett
 J. McCrae
 J. Henty
 J. Stewart
 G. Rolfe
 R. Thomson
 C. Vaughan
 T. T. a'Beckett (*Teller*).

Not Contents, 5.
 The Hon. G. W. Cole
 J. P. Fawkner
 Dr. Wilkie
 G. S. Coppin
 T. H. Power (*Teller*).

The question was therefore passed.

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

MR. ACTING 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 Victoria, in which they desire the concurrence of the
 Legislative Council.

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chamber,
 Melbourne, 12th February, 1862.

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.

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

Question—put and passed.

VICTORIA, H.M.C.S., INSTRUCTIONS TO COMMANDER.—The Honorable W. Hull, in accordance with notice, moved for the production of the instructions given to Commander Norman, of H.M.C.S. *Victoria*, when sent to the Gulf of Carpentaria, together with any contingent or subsequent instructions (if any) which may have been sent to that officer since his leaving Melbourne.

Debate ensued.

Question—put and passed.

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

Amendment moved by the Honorable W. Hull, That the word "now" be omitted, with a view to add 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 and passed.

Question—That the Bill be now read a second time—put and passed.

Bill read a second time.

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

Question—put and passed.

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

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

Question—put and passed.

CHURCH OF ENGLAND TEMPORALITIES 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. T. a'Beckett moved, That the report be now adopted.

Question—put and passed.

The Acting 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. T. a'Beckett, was read a third time, and *passed*.

The Honorable T. T. a'Beckett moved that the title of the Bill be "*An Act to repeal an Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales and to make other provisions instead thereof.*"

Question—put and passed.

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

The Council adjourned at half-past five o'clock until four o'clock on Tuesday, the 18th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 18TH FEBRUARY.

1. The Hon. F. ROBERTSON : To ask the Honorable the Commissioner of Railways whether it is the intention of the Government to comply with the recommendation of the Council of the Board of Agriculture, and introduce a Bill this Session to amend the Dog Act, so as to make it apply to the Colony generally.

NOTICES OF MOTION :—

1. The Hon. F. ROBERTSON : To move, That this Council agree with the Address to Her Most Gracious Majesty the Queen, adopted by the Legislative Assembly, praying Her Majesty to grant that a branch of Her Majesty's Royal Mint may be established in Victoria.
2. The Hon. G. ROLFE : To move, for returns for the years 1860 and 1861, of—
 - The Number of Acres :
 - The Number of Sheep or Cattle said to be depasturing upon :
 - The Assessment paid for :
 - And what are the grazing capabilities of each of the undermentioned Runs respectively :—
 - Nog Nog Wa, Cropper's Creek, Mount Typo, in the Beechworth District.
 - Solitude, Parambool, in the Melbourne District.
 - Yambuk, in the Warrnambool District.
 - Conover, in the East Wimmera District.
 - Longwarre.
 - Tarween.
 - River Tyers East, River Tyers West, River Tyers, in the South Gipps Land District.
 - Burdamongee, Bynnomongee, Tongeomungin, Bindi, Gellingall, in the Omeo District.
 - Jack Rivulet, in the Settled District.
 - Allerton, in the Grant District.
 - Glenmore, in the Benalla District.

ORDERS OF THE DAY :—

1. REFRESHMENT ROOMS.—(JOINT) SELECT COMMITTEE.—Adoption of Progress Report.
2. DIVORCE ACT AMENDMENT BILL.—Adoption of Report.

MEETING
OF
SELECT COMMITTEE.

Tuesday, 18th February.

PRINTING—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, 18TH FEBRUARY, 1862.

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

The Acting President read the Prayer.

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following Papers :—
1. Purnim and Cooramook Farmers' Common.—Proclamation (13th February, 1862).
2. Fryer's Creek—Mining under Reserved Land at.—Order in Council (13th January, 1862).
3. Friendly Societies—Return of, Registered during 1861.
4. Maryborough—Polling Places of Mining District altered (27th January, 1862).
5. Sandhurst—Additional Polling Place of Mining District (3rd February, 1862).

Ordered severally to lie on the Table.

BARRISTERS' ADMISSION BILL.—SELECT COMMITTEE ON.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That a Message be sent to the Legislative Assembly requesting that leave may be given to Mr. John Edwards, Mr. John Basson Humffray, Mr. J. M. Grant, and Mr. Wilson Gray, members of that House, to attend to be examined as witnesses to give evidence before the Select Committee of the Legislative Council appointed in the present session to consider the Barristers' Admission Bill.

Question—put and passed.

PRINTING COMMITTEE.—FIRST PROGRESS REPORT.—The Honorable R. Thomson brought up a Report from the Printing Committee, and moved that the same be received and printed and taken into consideration on the next day of meeting of the Council.

Question—put and passed.

PETITION.—The Honorable W. Hull presented a petition from one, Valentine Hellicar, praying that the House will not consent to invite the exercise of Her Majesty's prerogative in the creation of a Branch of the Royal Mint in the Colony.

Petition received.

The Honorable W. Hull moved, That the Petition be taken into consideration with the Address to Her Most Gracious Majesty the Queen on the subject of a Branch of the Royal Mint, as agreed to by the Legislative Assembly.

Question—put and passed.

MINT—BRANCH OF.—The Honorable F. Robertson, in accordance with notice, moved, That this Council agree with the Address to Her Most Gracious Majesty the Queen, adopted by the Legislative Assembly, praying Her Majesty to grant that a Branch of Her Majesty's Royal Mint may be established in Victoria.

Debate ensued.

Question—put.

Contents, 9.
The Hon. S. G. Henty
B. Williams
J. McCrae
G. W. Cole
F. Robertson
G. S. Coppin
C. Vaughan
G. Rolfe
W. H. F. Mitchell (*Teller*).

Not Contents, 9.
The Hon. T. H. Fellows
T. H. Power
W. Degraives
D. Kennedy
J. Sutherland
W. Hull
H. Miller
W. Highett
R. Thomson (*Teller*).

The Acting President announced that, the votes being equal, he gave his voice with the Not Contents, in order that his vote might not preclude further discussion on the question. The question was therefore negatived.

ACREAGE, ASSESSMENT, AND CAPABILITIES OF CERTAIN RUNS—The Honorable G. Rolfe, in accordance with notice moved, That there be laid on the Table of the House, Returns for the years 1860 and 1861, showing—

The Number of Acres:

The Number of Sheep or Cattle said to be depasturing upon:

The Assessment paid for:

And what are the grazing capabilities of each of the undermentioned Runs respectively:—

Nog Nog Wa, Cropper's Creek, Mount Typo, in the Beechworth District.

Solitude, Parambool, in the Melbourne District.

Yambuk, in the Warrnambool District.

Conover, in the East Wimmera District.

Longwarre.

Tarween.

River Tyers East, River Tyers West, River Tyers, in the South Gipps Land District.

Burdamongee, Bynnomongee, Tongeomungin, Bindi, Gellingall, in the Omeo District.

Jack Rivulet, in the Settled District.

Allerton, in the Grant District.

Glenmore, in the Benalla District.

Question—put and passed.

REFRESHMENT ROOMS (JOINT) SELECT COMMITTEE.—The Order of the Day for the adoption of the Second Progress Report of the Select Committee of both Houses 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 the 4th proximo:—

“*Divorce Act Amendment Bill*”—adoption of Report.

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

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, “*An Act to amend an Act intituled ‘An Act to consolidate and amend the Laws affecting ‘the Chinese emigrating to or resident in Victoria,’*” in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 18th February, 1862.

CHINESE IMMIGRANTS ACTS AMENDMENT BILL.—The Honorable W. H. F. Mitchell moved, That this Bill be now read a first time, printed, and read a second time this day week.

Question—put and passed.

Bill read a first time.

ADJOURNMENT.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That this House, at its rising this day, adjourn until this day week.

Question—put and passed.

The Council adjourned at twenty minutes past five o'clock until four o'clock on Tuesday, the 25th instant.

ORDERS OF THE DAY.

TUESDAY, 25TH FEBRUARY.

ORDERS OF THE DAY:—

1. PRINTING COMMITTEE.—Adoption of First Progress Report.
2. CHINESE IMMIGRANTS ACTS AMENDMENT BILL.—To be read a second time.

TUESDAY, 4TH MARCH.

ORDER OF THE DAY:—

1. DIVORCE 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.

TUESDAY, 25TH FEBRUARY, 1862.

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

The Acting President read the Prayer.

PETITION.—The Honorable J. F. Strachan presented to the Council a petition, signed by A. M. Campbell and others, in the parishes of Moolap, Bellerine, and Paywit, in the County of Grant, praying that amendments may be made in the Electoral Registration Laws, with a view to secure equal representation of the property, wealth, intelligence, and manhood of society.

Petition received.

The Honorable J. F. Strachan moved, That the petition be referred to the Printing Committee.

Question—put and passed.

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following papers; i.e., copies of—

1. Instructions to Robert O'Hara Burke, Esq. (18th August, 1860).
2. Despatch to Robert O'Hara Burke, Esq. (24th June, 1861).
3. Instructions to Commander Norman, of H.M.C.S. *Victoria* (30th July, 1861).
4. Instructions to Leader of second Queensland party (29th July, 1861).
5. Instructions to A. W. Howitt, Esq. (24th June, 1861).

Ordered severally to lie on the Table.

PRINTING COMMITTEE.—The Order of the Day for the adoption of the First Progress Report of the Printing Committee being read, the Honorable G. Rolfe moved, That the Report be now adopted.

Question—put and passed.

CHINESE IMMIGRANTS ACT AMENDMENT 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 Acting President do now leave the Chair—put and passed.

The Acting 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 Acting 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 W. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be "*An Act to amend an Act intituled 'An Act to consolidate and amend the Laws affecting the Chinese 'emigrating to or resident in Victoria.'*"

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.

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

Question—put and passed.

MESSAGE TO THE LEGISLATIVE ASSEMBLY.—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 Second Progress Report of the Select Committee of both Houses appointed for the management of the Refreshment Rooms.

Question—put and passed.

REFRESHMENT ROOMS (JOINT) SELECT COMMITTEE.—The Honorable W. Highett, with leave of the Council, moved, without notice, That the Honorable W. Hull be appointed a member of the Joint Committee of both Houses of Parliament, appointed for the management of the Refreshment Rooms, instead of the Honorable A. Fraser, to whom leave of absence has been given by the House.

Question—put and passed.

The Council adjourned at half-past four o'clock until four o'clock on Tuesday, the 4th proximo.

NOTICE OF MOTION AND ORDER OF THE DAY.

TUESDAY, 4TH MARCH.

NOTICE OF MOTION :—

1. The Hon. T. T. A'BECKETT: To move for leave to bring in a Bill to regulate Schools of Anatomy.

ORDER OF THE DAY :—

1. DIVORCE 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.

TUESDAY, 4TH MARCH, 1862.

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

The Acting President read the Prayer.

ACREAGE, ASSESSMENT, AND CAPABILITIES OF CERTAIN RUNS.—The Honorable W. H. F. Mitchell laid on the Table the Return ordered by the Council on the 18th ultimo.

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following paper:—
Burke and Wills, Victorian Explorers—Report of Commissioners appointed to enquire into the circumstances connected with the sufferings and death of.

Ordered to lie on the Table.

LEAVE OF ABSENCE TO A MEMBER.—The Honorable T. H. Power, with leave of the Council, moved, without notice, That leave of absence for twelve months, after the 24th instant, be granted to the Honorable J. B. Bennett.

Debate ensued.

Question—put.

Council divided.

Contents, 12.

The Hon. T. H. Power
S. G. Henty
G. W. Cole
T. T. a'Beckett
W. Hull
F. Robertson
Dr. Hope
J. Sutherland
C. Vaughan
W. Degraives
R. Thomson
T. H. Fellows (*Teller*).

Not Contents, 3.

The Hon. J. P. Fawcner
G. S. Coppin
G. Rolfe (*Teller*).

The question was therefore passed.

ANATOMY SCHOOLS BILL.—The Honorable T. T. a'Beckett, in accordance with notice, moved for leave to bring in a Bill to regulate Schools of Anatomy.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable T. T. a'Beckett, read a first time, ordered to be printed, and read a second time on Tuesday, the 18th instant.

PETITION.—The Honorable G. S. Coppin presented a Petition, signed by Edward Gibson and other residents at Geelong, praying that the Council will favorably consider and pass a Bill for the Transfer of Real Property similar to the Act in force in South Australia.

Petition received.

DIVORCE 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 J. P. Fawcner moved, That the Report be now adopted.

Debate ensued.

Amendment moved by the Honorable T. H. Fellows, That all the words after the word "That" be omitted, with a view to insert the words "the consideration of the Report be made an Order of the Day for this day six months," instead thereof.

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

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

Question—That the consideration of the Report be made an Order of the Day for this day six months—put and passed.

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

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Laws relating to the Customs;*"

Also a Bill intituled "*An Act to amend an Act intituled 'An Act for granting 'Duties of Customs upon Gold exported from Victoria;'*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 25th February, 1862.

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to amend an Act intituled, ‘An Act to regulate the Conveyance of Passengers to Victoria,’*” in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 25th February, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to repeal the Act intituled ‘An Act for preventing the extension of the disease ‘called Scab in Sheep and to substitute other provisions in lieu thereof;’*” in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 4th March, 1862.

FRANS. MURPHY,
Speaker.

SCAB ACT AMENDMENT BILL.—On the motion of the Honorable T. H. Fellows this Bill was read a first time and ordered to be printed, and read a second time this day week.

PASSENGERS ACT AMENDMENT BILL.—On the motion of the Honorable W. H. F. Mitchell this Bill was read a first time, ordered to be printed, and read a second time this day week.

CUSTOMS LAWS AMENDMENT BILL.—On the motion of the Honorable W. H. F. Mitchell this Bill was read a first time, ordered to be printed, and read a second time this day week.

GOLD EXPORT DUTY ACT AMENDMENT BILL.—On the motion of the Honorable W. H. F. Mitchell this Bill was read a first time, ordered to be printed, and read a second time this day fortnight.

PAPER.—The Honorable W. H. F. Mitchell presented to the Council the following Paper:—

Instructions to Mr. F. Walker from the Exploration Committee of the Royal Society of Victoria (20 July, 1861).

Ordered to lie on the Table.

ADJOURNMENT.—The Honorable W. H. F. Mitchell, 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 a quarter past five o'clock until four o'clock on Tuesday, the 11th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 11TH MARCH.

NOTICES OF MOTION:—

1. The Hon. W. HULL: To move, That an Address be presented to His Excellency the Governor, praying that he will be pleased to cause to be laid on the Table of this House, a copy (if any) of Commander Seymour's note to His Excellency the Governor, dated 31st January, 1862, respecting the exposed and defenceless condition of the shipping in Hobson's Bay.
2. The Hon. T. H. FELLOWS: To move, That there be laid upon the Table of this House a Return of the Revenue from all sources, received on account of the year 1862.

ORDERS OF THE DAY:—

1. SCAB ACT AMENDMENT BILL.—To be read a second time.
2. PASSENGERS ACT AMENDMENT BILL.—To be read a second time.
3. CUSTOMS LAWS AMENDMENT BILL.—To be read a second time.

TUESDAY, 18TH MARCH.

ORDERS OF THE DAY:—

1. ANATOMY SCHOOLS BILL.—To be read a second time.
2. GOLD EXPORT DUTY ACT 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.

TUESDAY, 11TH MARCH, 1862.

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

The Acting President read the Prayer.

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following Papers:—

1. Laanecoorie Farmers' Common.—Proclamation (30th December, 1861).
2. Mulgrave Farmers' Common.—Proclamation (10th February, 1862).
3. Codrington Farmers' Common altered.—Proclamation (17th February, 1862).
4. Gold Fields Statistics—1861.
5. Ballaarat and Maryborough Mining District—Additional Polling Places.—Order in Council (17th February, 1862).
6. Mining Lease of Mineral Lands—Amended form of.—Order in Council (3rd February, 1862).
7. National Education.—Eighth Report of Commissioners.

Ordered severally to lie on the Table.

LIBRARY COMMITTEE.—FIRST PROGRESS REPORT.—The Honorable T. H. Power brought up the First Progress Report of the Select Committee of both Houses of Parliament appointed to manage the Library, and moved that the same be printed, and that its consideration be made an Order of the Day for Tuesday, the 18th instant.

Question—put and passed.

SHIPPING IN HOBSON'S BAY.—The Honorable W. Highett, on behalf of the Honorable W. Hull, moved, in accordance with *amended* notice, That an Address be presented to His Excellency the Governor, praying that he will be pleased to cause to be laid on the Table of this House a copy (if any) of Commander Seymour's note to His Excellency the Governor, dated 31st January, 1862, respecting the exposed and defenceless condition of the shipping in Hobson's Bay; and also any communication from Commodore Seymour offering the services of the ship's company of the *Pelorus*, to assist in preparing the defences of the place.

Debate ensued.

Question—put and passed.

REVENUE RETURNS.—The Honorable T. H. Fellows, in accordance with *amended* notice, moved, That there be laid upon the Table of this House a Return of the Revenue from all sources, received on account of the year 1862, and a similar return for the corresponding period of each of the five preceding years.

Question—put and passed.

SCAB ACT AMENDMENT 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.

Question—That the Bill be now considered in Committee of the whole Council—put and passed.

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

The Acting President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Tuesday, the 25th instant.

Ordered.

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

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to enable the Melbourne and Suburban Railway Company to sell their undertaking and property and for other purposes,*” in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 11th March, 1862.

FRANS. MURPHY,
Speaker.

The Honorable T. H. Fellows moved, That a Message be sent to the Legislative Assembly requesting that they will be pleased to communicate to this House copies of the Report and Proceedings of the Select Committee of the Legislative Assembly appointed upon the Bill in the present session of Parliament.

Question—put and passed.

PASSENGERS ACT AMENDMENT 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.

Question—That the said Bill be now considered in Committee of the whole Council—put and passed.

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

The Acting President left the Chair.

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

The Honorable W. H. F. Mitchell moved, That the Report be now adopted.

Question—put and passed.

The Acting 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 W. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be “*An Act to amend an Act intituled ‘An Act to regulate the Conveyance of Passengers to Victoria.’*”

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 Acting President announced to the Council the receipt of the following Message from the Legislative Assembly:—

MR. ACTING 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 to enable the Melbourne and Suburban Railway Company to sell their undertaking and property and for other purposes,*” as requested by the Legislative Council.

Legislative Assembly Chambers,
Melbourne, 11th March, 1862.

FRANS. MURPHY,
Speaker.

MELBOURNE AND SUBURBAN RAILWAY SALE BILL.—The Honorable T. H. Fellows produced a certificate of the payment of the amount required to be paid to the Colonial Treasurer for the public uses of the Colony, and moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable T. H. Fellows moved, That the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

CUSTOMS LAWS AMENDMENT 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.

Debate ensued.

Question—put and passed.

Bill read a second time.

Question—That the Bill be now considered in Committee of the whole Council—put and passed.

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

The Acting President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Tuesday, the 18th instant.

Ordered.

The Council adjourned at five minutes past five o'clock until four o'clock on Wednesday, the 12th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 12TH MARCH.

NOTICES OF MOTION :—

1. The Hon. J. P. FAWKNER: To move, That in future no leave of absence be granted to any member or members of this Council during the present Session.
2. The Hon. T. H. FELLOWS: To move the suspension of so much of the Standing Orders as prevent the passing of the Melbourne and Suburban Railway Sale Bill through more than one stage on the same day.

ORDERS OF THE DAY :—

1. MELBOURNE AND SUBURBAN RAILWAY SALE BILL.—To be read a second time.
-

TUESDAY, 18TH MARCH.

ORDERS OF THE DAY :—

1. ANATOMY SCHOOLS BILL.—To be read a second time.
 2. GOLD EXPORT DUTY ACT AMENDMENT BILL.—To be read a second time.
 3. LIBRARY (JOINT) COMMITTEE.—Adoption of Report.
 4. CUSTOMS LAWS AMENDMENT BILL.—To be further considered in Committee.
-

TUESDAY, 25TH MARCH.

1. SCAB ACT ,AMENDMENT 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, 12TH MARCH, 1862.

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

The Acting President read the Prayer.

LEAVE OF ABSENCE TO MEMBERS.—The Honorable J. P. Fawkner, in accordance with notice, moved, That in future no leave of absence be granted to any member or members of this Council during the present session.

Debate ensued.

Question—put.

Council divided.

Contents, 9.

The Hon. G. W. Cole
W. Degraives
F. Robertson
H. Miller
W. Highett
Dr. Wilkie
G. S. Coppin
J. P. Fawkner
T. H. Power (*Teller*).

Not Contents, 9.

The Hon. R. Thomson
D. Kennedy
J. Sutherland
W. H. F. Mitchell
S. G. Henty
J. Henty
C. Vaughan
J. F. Strachan
T. H. Fellows (*Teller*).

The Acting President announced that, the Contents and Not Contents being equal in number, he gave his vote with the Not Contents.

The question was therefore negatived.

SUSPENSION OF STANDING ORDERS.—The Honorable T. H. Fellows, in accordance with notice, moved the suspension of so much of the Standing Orders as prevents the passing of the Melbourne and Suburban Railway Sale Bill through more than one stage on the same day.

Debate ensued.

Question—put and passed.

MELBOURNE AND SUBURBAN RAILWAY SALE 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 Acting President do now leave the Chair—put and passed.

The Acting 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 Acting 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 enable the Melbourne and Suburban Railway Company to sell their undertaking and property and for other purposes.*"

Question—put and passed.

The Honorable T. H. Fellows moved, That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the Bill without amendment.

Question—put and passed.

ADJOURNMENT.—The Honorable W. H. F. Mitchell, 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 18th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 18TH MARCH.

NOTICE OF MOTION :—

1. The Hon. T. H. FELLOWS : To move, That there be a Call of the House on Wednesday, the 2nd April next.

ORDERS OF THE DAY :—

1. ANATOMY SCHOOLS BILL.—To be read a second time.
2. GOLD EXPORT DUTY ACT AMENDMENT BILL.—To be read a second time.
3. LIBRARY (JOINT) COMMITTEE.—Adoption of Report.
4. CUSTOMS LAWS AMENDMENT BILL.—To be further considered in Committee.

TUESDAY, 25TH MARCH.

ORDER OF THE DAY :—

1. SCAB ACT AMENDMENT 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, 18TH MARCH, 1862.

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

The Acting President read the Prayer.

PAPERS.—The Honorable W. H. F. Mitchell, by command of His Excellency the Governor, presented to the Council the following papers :—

1. War with America.—Circular Despatch from the Right Honorable the Secretary of State for the Colonies (26th December, 1861).
2. War with America.—Circular Despatch from the Right Honorable the Secretary of State for the Colonies (22nd January, 1862).

Ordered severally to lie on the Table.

ROYAL ASSENT TO BILLS.—The Acting President announced to the Council that a letter had been received from the Private Secretary, stating that it is the intention of His Excellency the Governor to proceed to the Legislative Council Chamber on Wednesday, the 19th instant, to assent, in Her Majesty's name, to certain Bills.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable W. H. F. Mitchell presented the following Message from His Excellency the Governor :—

HENRY BARKLY,

Governor,

Message No.

It is with the deepest regret that the Governor has to inform the Legislative Council that his despatches by the mail just arrived, confirm the melancholy intelligence previously received from the Mauritius of the Death of His Royal Highness the Prince Consort.

Government Offices,
13th March, 1862.

DEATH OF HIS ROYAL HIGHNESS THE PRINCE CONSORT.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That a Select Committee, to consist of the Honorables T. H. Power, J. P. Fawkner, H. Miller, T. H. Fellows, and the Mover, be appointed to prepare an Address to the Queen, condoling with Her Majesty on the bereavement Her Majesty and the Nation have sustained by the death of His late Royal Highness the Prince Consort.

Question—put and passed.

CALL OF THE HOUSE.—The Honorable T. H. Fellows, in accordance with *amended* notice, moved, That there be a Call of the House on Wednesday, the 2nd April next, to consider the Gold Export Duty Act Amendment Bill.

Question—put and passed.

POSTPONEMENT.—The following Orders of the Day were severally postponed until Tuesday, the 25th instant :—

“*Anatomy Schools Bill*”—To be read a second time.

“*Library (Joint) Committee*”—Adoption of report.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 2nd April next :—

“*Gold Export Duty Act Amendment Bill*”—To be read a second time.

CUSTOMS LAWS AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Acting 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 adoption of the Report of the Committee be made an Order of the Day for Tuesday, 25th instant. Question—put and passed.

The Council adjourned at ten minutes past five o'clock until four o'clock on Wednesday, 19th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 19TH MARCH.

1. The Hon. J. P. FAWKNER: To ask the Honorable the Commissioner of Railways whether it is the intention of the Government to erect forthwith the Central Fort in Hobson's Bay, according to the recommendation of the Officer of the Royal Engineers, to perfect the Guard Batteries in construction for the safety of the shipping and port.

NOTICE OF MOTION:—

1. The Hon. T. H. POWER: To move for copies of all Correspondence and Minutes which have taken place on the subject of the requirements of the National Education Board for the year 1862 between the Offices of the Board, and of the Honorable the Chief Secretary, and the Honorable the Treasurer.

TUESDAY, 25TH MARCH.

ORDERS OF THE DAY:—

1. SCAB ACT AMENDMENT BILL.—To be further considered in Committee.
2. ANATOMY SCHOOLS BILL.—To be read a second time.
3. LIBRARY (JOINT) COMMITTEE.—Adoption of Report.
4. CUSTOMS LAWS AMENDMENT BILL.—Adoption of Report.

WEDNESDAY, 2ND APRIL.

ORDERS OF THE DAY:—

1. CALL OF THE HOUSE.
2. GOLD EXPORT DUTY ACT AMENDMENT BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Wednesday, 19th March.

ADDRESS OF CONDOLENCE TO HER MAJESTY—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, 19TH MARCH, 1862.

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

The Acting President read the Prayer.

SIR RICHARD MACDONNELL.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That a chair be placed within the body of the Council Chamber for Sir Richard Macdonnell, late Governor of South Australia.

Question—put and passed.

ADDRESS OF CONDOLENCE TO HER MAJESTY.—The Honorable W. H. F. Mitchell brought up an Address to Her Majesty, prepared by the Select Committee appointed on the 18th instant to prepare an Address to the Queen, condoling with Her Majesty on the bereavement Her Majesty and the Nation have sustained by the death of His late Royal Highness the Prince Consort, and moved that the same be read.

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

We, Your Majesty's most loyal and devoted subjects, the Members of the Legislative Council of Victoria in Parliament assembled, beg leave to approach Your Majesty with the deepest feelings of respectful sympathy under the bereavement with which it has pleased God in his wisdom to afflict Your Majesty.

Although resident at a distance from the Mother Country, we do not the less share in the sorrow which pervades all classes of Your Majesty's subjects for the loss of a Prince whom the whole empire justly looked up to, both in his public and private character, as a man endowed with far more than ordinary qualifications for the high position which he held.

Human sympathy can afford but little alleviation to the grief which Your Majesty must endure; but we earnestly pray that the Almighty Disposer of events, by whom kings reign, may bless Your Majesty with that strength and resignation to His will which will enable Your Majesty to continue to be a guide and blessing to your family and people.

The Honorable W. H. F. Mitchell moved, That the Address be adopted.

Question—put and passed.

The Honorable W. H. F. Mitchell moved, That the Address be presented to His Excellency the Governor, for transmission to England, by the Acting President and such other Members of the Council as may wish to accompany him.

Question—put and passed.

NATIONAL EDUCATION.—The Honorable T. H. Power, in accordance with notice, moved, That copies of all correspondence and minutes which have taken place on the subject of the requirements of the National Education Board for the year 1862, between the offices of the Board, and of the Honorable the Chief Secretary, and the Honorable the Treasurer, be laid on the Table of the House.

Question—put and passed.

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

MR. ACTING PRESIDENT—

The Legislative Assembly acquaint the Legislative Council, that the Clerk of the Parliaments having reported that the following clerical error has occurred in the Bill intituled, "*An Act to amend an Act intituled 'An Act to regulate the Conveyance of 'Passengers to Victoria,'*" viz., in Clause I, line 4, the word "to" has been inserted in the original Bill; the Legislative Assembly desire that the same may be corrected accordingly.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 19th March, 1862.

PASSENGERS ACT AMENDMENT BILL.—The Honorable W. H. F. Mitchell moved, That the Council agree with the Legislative Assembly to correct the clerical error discovered in this Bill, by striking out the word “to” in Clause I, line 4, of the Bill.
Question—put and passed.

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

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 amend an Act intituled ‘An Act to consolidate and amend the Laws affecting the Chinese emigrating to or resident in Victoria.’”

“An Act to amend an Act intituled ‘An Act to regulate the conveyance of Passengers to Victoria.’”

“An Act to enable the Melbourne and Suburban Railway Company to sell their undertaking and property and for other purposes.”

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.

“HENRY BARKLY,
“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.

PRESENTATION TO THE GOVERNOR OF ADDRESS TO HER MAJESTY.—The Acting President announced that His Excellency the Governor would be prepared to receive the Address, of Condolence, to Her Majesty, adopted this day by the Council, on Friday next, the 21st instant, at twelve o'clock, at the Government Offices.

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

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council copy of an Address to Her Most Gracious Majesty the Queen, which has been adopted by the Legislative Assembly, expressive of their sympathy in the loss sustained by Her Majesty, on the lamented decease of His Royal Highness the Prince Consort, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 19th March, 1862.

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, “An Act to suspend the operation of certain enactments relating to Registration of Parliamentary Electors and for other purposes;”

Also a Bill, intituled, “An Act to authorise the exportation from the Colony of Victoria, free of Customs duty, of Gold not being the produce of the said Colony and for other purposes;”

in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 19th March, 1862.

MESSAGE TO THE LEGISLATIVE ASSEMBLY.—The Honorable J. P. Fawcner moved, That a Message be carried to the Legislative Assembly, to inform them that, as the Council had adopted an Address of Condolence to Her Majesty before the Message arrived from the Legislative Assembly desiring the concurrence of the Council with the Address adopted by the Assembly, the Council are precluded from concurring with the Address agreed upon by the Legislative Assembly.

Question—put and passed.

ELECTORAL ACT SUSPENSION BILL.—The Honorable W. H. F. Mitchell 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.

GOLD EXPORT DUTY EXEMPTION BILL.—The Honorable W. H. F. Mitchell 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.

ADJOURNMENT.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That this 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 25th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 25TH MARCH.

NOTICE OF MOTION :—

1. The Hon. W. HULL : To move, That an Address be presented to His Excellency the Governor, praying that he will cause to be laid upon the Table of this House a copy of the Report and Papers addressed to the Honorable the Treasurer by the Defence Commission, in reference to Commander Seymour's communication to His Excellency the Governor, dated 31st January last.

ORDERS OF THE DAY :—

1. SCAB ACT AMENDMENT BILL.—To be further considered in Committee.
2. ANATOMY SCHOOLS BILL.—To be read a second time.
3. LIBRARY (JOINT) COMMITTEE.—Adoption of Report.
4. CUSTOMS LAWS AMENDMENT BILL.—Adoption of Report.
5. ELECTORAL ACT SUSPENSION BILL.—To be read a second time.
6. GOLD EXPORT DUTY EXEMPTION BILL.—To be read a second time.

WEDNESDAY, 2ND APRIL.

ORDERS OF THE DAY :—

1. CALL OF THE HOUSE.
2. GOLD EXPORT DUTY ACT 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.

TUESDAY, 25TH MARCH, 1862.

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

The Acting President read the Prayer.

ADDRESS TO HER MAJESTY—PRESENTATION OF TO THE GOVERNOR.—The Acting President announced to the Council that he had, accompanied by some members of the House, presented to His Excellency the Governor for transmission to England the Address to Her Most Gracious Majesty the Queen, adopted by the Council on the 19th instant, and that His Excellency had been pleased to reply as follows to the request that he would cause the Address to be transmitted to England :—

MR. PRESIDENT, AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

It shall be my mournful, yet in some respects gratifying, task to transmit your Address of Condolence to our beloved Queen ; who, I pray with you, may—under the heavy trial with which God in His wisdom has seen fit to afflict her—be strengthened by His Heavenly Grace for the continued performance of those earthly duties which she has hitherto discharged alike to the admiration and advantage of every portion of her wide spread empire.

HENRY BARKLY.

Government Offices,
Melbourne, 21st March, 1862.

PAPERS.—The Honorable W. H. F. Mitchell, by command of His Excellency the Governor, presented to the Council the following Paper :—

Botanist, Annual Report of Government, (10 March, 1862).

Ordered to lie on the Table.

DEFENCE COMMISSION.—The Honorable W. Hull, in accordance with notice, moved, That an Address be presented to His Excellency the Governor, praying that he will cause to be laid upon the Table of this House a copy of the Report and papers addressed to the Honorable the Treasurer by the Defence Commission in reference to Commander Seymour's communication to His Excellency the Governor, dated 31st January last.

Question—put and passed.

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

The Chairman of Committees reported progress, and asked leave to sit again after the disposal of the other Orders of the Day.

Ordered.

ANATOMY SCHOOLS 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 Acting President do now leave the Chair—put and passed.

The Acting 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 Bill be now re-committed.

Question—put and passed.

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

The Acting 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. T. a'Beckett moved, That the adoption of the Report of the Committee be made an Order of the Day for the next day of meeting of the Council.

Question—put and passed.

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

MR. ACTING PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that a printed copy of a Bill, with the following title, "*An Act to authorize the Exportation from the Colony of Victoria Free of Customs Duty of Gold not being the produce of the said colony and for other purposes,*" was on the 19th day of March instant sent to the Legislative Council by mistake, and the Legislative Assembly request that the said Bill may be returned, and that the Bill accompanying this Message may be substituted in lieu thereof.

Legislative Assembly Chamber,
Melbourne, 25th March, 1862.

FRANS. MURPHY,
Speaker.

GOLD EXPORT DUTY EXEMPTION BILL.—The Honorable W. H. F. Mitchell moved, That the Bill now sent from the Legislative Assembly be substituted for the copy formerly sent, and that a Message be sent to the Legislative Assembly informing them that it has been so substituted, and returning the copy of the Bill, as requested by the Legislative Assembly.

Question—put and passed.

The Honorable W. H. F. Mitchell moved, That the Bill now received be read a first time, printed, and read a second time on the next day of meeting of the Council.

Question—put and passed.

Bill read a first time.

REVENUE RETURNS.—The Honorable W. H. F. Mitchell laid upon the Table a Return to the Order of the House made on the 11th instant.

The Honorable J. F. Strachan moved, That the Returns be printed.

Question—put and passed.

LIBRARY (JOINT) COMMITTEE PROGRESS REPORT.—The Order of the Day for the adoption of the Report of the Joint Committee of both Houses to manage the Library being read, the Honorable T. H. Power moved, That the Report be now adopted.

Question—put and passed.

CUSTOMS LAWS 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 W. H. F. Mitchell moved, That the Report be now adopted.

Question—put and passed.

The Acting 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 W. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be "*An Act to amend the Laws relating to the 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.

ELECTORAL ACT SUSPENSION 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 Acting President do now leave the Chair—put and passed.

The Acting 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 W. H. F. Mitchell moved, That the adoption of the Report of the Committee be made an Order of the Day for the next day of meeting of the Council.

Ordered.

GOLD EXPORT DUTY EXEMPTION BILL.—The Order of the Day for the second reading of this Bill was, on the motion of the Honorable W. H. F. Mitchell, discharged from the Notice Paper.

POSTPONEMENT.—The Order of the Day for the further consideration of the Scab Act Amendment Bill in Committee of the whole House was postponed until Wednesday, the 2nd day of April proximo.

ADJOURNMENT.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That the House at its rising this day adjourn until Wednesday, the 2nd proximo.

Question—put and passed.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

 WEDNESDAY, 2ND APRIL.
Government Business :—

ORDERS OF THE DAY :—

1. CALL OF THE HOUSE.
2. GOLD EXPORT DUTY ACT AMENDMENT BILL.—To be read a second time.
3. GOLD EXPORT DUTY EXEMPTION BILL.—To be read a second time.
4. ELECTORAL ACT SUSPENSION BILL.—Adoption of Report.

General Business :—

NOTICE OF MOTION :—

1. The Hon. G. W. COLE: To move, That there be laid on the Table of this House a Return of the quantity of gunpowder imported in 1855, 1856, 1857, 1858, 1859, 1860, and 1861 ; the declared value of same ; country imported from. A Return of saltpetre for the same years and declared value of the same.

ORDERS OF THE DAY :—

1. ANATOMY SCHOOLS BILL.—Adoption of Report.
2. SCAB ACT AMENDMENT 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, 2ND APRIL, 1862.

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

The Acting President read the Prayer.

NATIONAL EDUCATION.—The Honorable W. H. F. Mitchell laid on the Table a Return to the Order of the Council made on the 19th March, 1862.

CALL OF THE HOUSE.—The Order of the Day for a Call of the House being called on, the names of the Members of the House were called over by the Clerk, by direction of the Acting President, in alphabetical order.

The Honorables J. B. Bennett, A. Fraser, and Sir James Palmer, were absent by the permission of the House.

The Honorable the Acting President having announced to the Council that the Honorable Niel Black was prevented from attending in his place by urgent affairs, the absence of the Honorable N. Black was excused.

The Honorable T. H. Fellows and the Honorable Dr. Wilkie were absent, but afterwards appeared in their places.

GOLD EXPORT DUTY ACT AMENDMENT 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.

Debate ensued.

The Honorable T. H. Power moved, That the debate be now adjourned.

Debate ensued.

Motion for adjournment of debate, by leave, withdrawn.

Question—That the Bill be now read a second time—put and passed.

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 Acting President do now leave the Chair—put and passed.

The Acting 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 Acting President announced to the Council the receipt of the following Messages from the Legislative Assembly:—

MR. ACTING PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to simplify the Laws relating to the Transfer and Encumbrance of Freehold and other Interests in Land,*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 2nd April, 1862.

MR. ACTING PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to amend an Act intituled 'An Act to prevent the further spread of the Disease in Cattle called Pleuro-pneumonia;'*"

Also a Bill, intituled, "*An Act to prevent Frauds upon Creditors by secret Bills of Sale of personal Chattels;*"

Also a Bill, intituled, "*An Act to impose a Tax on Bank Notes;*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 2nd April, 1862.

REAL PROPERTY BILL.—On the motion of the Honorable G. S. Coppin, this Bill was read a first time, ordered to be printed, and read a second time on Tuesday, the 8th instant.

BANK NOTES BILL.—On the motion of the Honorable W. H. F. Mitchell, this Bill was read a first time, ordered to be printed, and read a second time on Tuesday, the 8th instant.

FRAUDS ON CREDITORS PREVENTION BILL.—On the motion of the Honorable W. H. F. Mitchell, this Bill was read a first time, ordered to be printed, and read a second time on Tuesday, the 8th instant.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 8th instant:—

"*Gold Export Duty Exemption Bill*"—To be read a second time.

ELECTORAL ACT SUSPENSION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called, the Honorable W. H. F. Mitchell moved, That the same be discharged, with a view to recommit the Bill to a Committee of the whole Council, for consideration of Clause VIII. of the Bill.

Question—put and passed.

Question—That the Bill be now reconsidered in Committee of the whole Council—put and passed.

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

The Acting President left the Chair.

The Chairman of Committees reported that the Committee had reconsidered Clause VIII. of the Bill and had agreed to the same with amendments.

The Honorable W. H. F. Mitchell 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.

GUNPOWDER IMPORTED.—The Honorable G. W. Cole, in accordance with notice, moved, That there be laid on the Table of the House a return of the quantity of gunpowder imported in 1855, 1856, 1857, 1858, 1859, 1860, and 1861; the declared value of the same; the country imported from; also a return of saltpetre for the same years, and the declared value of the same.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 8th instant:—

"*Anatomy Schools Bill*"—Adoption of report.

PETITIONS.—The Honorable J. P. Fawkner presented a Petition, signed by Daniel Wallace and other residents at Castlemaine, praying that the Real Property Bill now before the Council may receive favorable consideration and be made law.

Petition received.

The Honorable J. P. Fawkner presented a similar Petition, signed by James Richardson and other residents of Melbourne and its vicinity.

Petition received.

The Honorable G. S. Coppin presented a similar Petition, signed by Thomas Douglas and others, of Colac and its neighbourhood.

Petition received.

SCAB ACT AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being called on, The Acting 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 Wednesday, the 9th instant.

Question—put and passed.

ADJOURNMENT.—The Honorable W. H. F. Mitchell, 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 twenty minutes to seven o'clock until four o'clock on Tuesday, the 8th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 8TH APRIL.

NOTICE OF MOTION :—

The Hon. J. P. FAWKNER: To move, That the Petition presented by him on the 2nd instant from James Richardson and other inhabitants of Melbourne and vicinity be printed.

ORDERS OF THE DAY :—

1. GOLD EXPORT DUTY ACT AMENDMENT BILL.—To be further considered in Committee.
2. REAL PROPERTY BILL.—To be read a second time.
3. BANK NOTES BILL.—To be read a second time.
4. FRAUDS ON CREDITORS PREVENTION BILL.—To be read a second time.
5. GOLD EXPORT DUTY EXEMPTION BILL.—To be read a second time.
6. ELECTORAL ACT SUSPENSION BILL.—To be read a third time.
7. ANATOMY SCHOOLS BILL.—Adoption of Report.

WEDNESDAY, 9TH APRIL.

General Business.

ORDER OF THE DAY :—

1. SCAB ACT AMENDMENT BILL.—Adoption of Report.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 9th April.

PRINTING—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 APRIL, 1862.

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

The Acting President read the Prayer.

PETITION.—REAL PROPERTY BILL.—The Honorable J. P. Fawcner, in accordance with notice, moved, That the Petition presented by him on the 2nd instant, from James Richardson and other inhabitants of Melbourne and vicinity, be printed.

Question—put and passed.

PETITION.—The Honorable G. S. Coppin presented a Petition, signed by Thomas Lang, President of the Ballarat Chamber of Commerce, praying that the Real Property Bill may become law.

Petition received.

PETITION.—The Honorable T. T. a'Beckett presented a Petition, signed by J. J. Falconer and others, managers of banking companies in the colony, praying that the Bank Notes Bill may not pass into law, and that the Petitioners may be heard by counsel against the Bill at the Bar of the House.

Petition received.

The Honorable T. T. a'Beckett moved, That the Petition be referred to the Committee of the whole Council to which the Bill may be referred.

Question—put and passed.

PETITION.—The Honorable G. S. Coppin presented a Petition, signed by W. S. Garlick and others, certificated conveyancers, praying for such redress as the House may think fit, if the Real Property Bill should become law.

Petition received.

SHIPPING IN HOBSON'S BAY.—The Honorable W. H. F. Mitchell presented to the Council a Return to the Address of the Council adopted on the 11th March last.

DEFENCE COMMISSION.—The Honorable W. H. F. Mitchell presented to the Council a Return to the Address of the Council adopted on the 25th March last.

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following Papers:—

- (1.) Upper Plenty Farmers' Common altered—Proclamation (24th February, 1862).
- (2.) Yulecart and Audley Farmers' Commons.—Proclamation (10th March, 1862).
- (3.) Beechworth District Court of Mines at Morse's Creek.—Order in Council (17th March, 1862).
- (4.) Smythesdale County Court.—Order in Council (17th February, 1862). Jury List at Smythesdale to be made.—Order in Council (24th February, 1862).
- (5.) Morse's Creek, County Court transferred from Buckland to.—Order in Council (17th March, 1862)
- (6.) A. W. Howitt—Supplementary instructions to (4th July, 1861).

Ordered severally to lie on the Table.

PLEURO-PNEUMONIA IN CATTLE BILL.—The Honorable W. Highett, with leave of the Council, moved, without notice, That this Bill, brought from the Legislative Assembly on the 2nd instant, be now read a first time.

Question—put and passed.

Bill read a first time, ordered to be printed, and read a second time this day week.

GOLD EXPORT DUTY ACT AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Acting President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Tuesday, the 29th instant.

Ordered.

REAL PROPERTY BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable G. S. Coppin moved, That the Bill be now read a second time.

Debate ensued.

The Honorable J. P. Fawkner moved, That the debate be now adjourned.

Question—put and passed.

Question—That the debate be adjourned until to-morrow—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Wednesday, the 9th instant—

“*Bank Notes Bill*”—to be read a second time.

“*Frauds on Creditors Prevention Bill*”—to be read a second time.

“*Gold Export Duty Exemption Bill*”—to be read a second time.

“*Electoral Act Suspension Bill*”—to be read a third time.

“*Anatomy Schools Bill*”—adoption of Report.

The Council adjourned at five minutes to seven o'clock until four o'clock on Wednesday, the 9th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 9TH APRIL.

Government Business.

NOTICE OF MOTION:—

1. The Hon. W. H. F. MITCHELL: To move, That the House at its rising this day adjourn until Tuesday, the 29th instant.

ORDERS OF THE DAY:—

1. BANK NOTES BILL.—To be read a second time.
2. GOLD EXPORT DUTY EXEMPTION BILL.—To be read a second time.
3. ELECTORAL ACT SUSPENSION BILL.—To be read a third time.

General Business.

NOTICE OF MOTION:—

1. The Hon. T. T. A'BECKETT: To move, That the Bill to amend the Law relating to Attorneys, Solicitors, Proctors, and Conveyancers be now read a second time.

ORDERS OF THE DAY:—

1. SCAB ACT AMENDMENT BILL.—Adoption of Report.
2. REAL PROPERTY BILL.—Adjourned debate on second reading.
3. FRAUDS ON CREDITORS PREVENTION BILL.—To be read a second time.
4. ANATOMY SCHOOLS BILL.—Adoption of Report.

TUESDAY, 15TH APRIL.

ORDER OF THE DAY:—

1. PLEURO-PNEUMONIA IN CATTLE BILL.—To be read a second time.

TUESDAY, 29TH APRIL.

ORDER OF THE DAY:—

1. GOLD EXPORT DUTY ACT AMENDMENT BILL.—To be further considered in Committee.

MEETING OF SELECT COMMITTEE.

Wednesday, 9th April.

PRINTING—at 3 o'clock.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 9TH APRIL, 1862.

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

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

Question—put and passed.

ADJOURNMENT.—The Honorable W. H. F. Mitchell, in accordance with notice, moved, That the House at its rising this day adjourn until Tuesday, the 29th instant.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until after the disposal of the Order of the Day for the resumption of the adjourned debate on the second reading of the Real Property Bill :—

“*Bank Notes Bill*”—to be read a second time.

“*Gold Export Duty Exemption Bill*”—to be read a second time.

“*Electoral Act Suspension Bill*”—to be read a third time.

SCAB 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 called on, the Honorable T. H. Fellows moved that the same be discharged, with a view to re-commit the Bill on the seventh section and on the schedule.

Question—put and passed.

Question—That the Bill be now re-committed on the seventh section and on the schedule—put and passed.

The Honorable T. H. Fellows moved, That the Honorable J. Henty act as Chairman of Committees in the absence of the Chairman of Committees this day.

Question—put and passed.

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

The Acting President left the Chair.

The Honorable J. Henty reported that the Committee had re-considered the Bill, and had agreed to the same with further amendments.

REAL PROPERTY BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the debate was resumed.

Question—That the Bill be now read a second time—put and passed.

Bill read a second time.

The Honorable G. S. Coppin moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The Acting President left the chair.

The Honorable J. Henty, as Chairman of the Committee, reported progress and asked leave to sit again on the next day of meeting of the Council.

Ordered.

SCAB ACT AMENDMENT BILL.—The Honorable T. H. Fellows moved, That the adoption of the Report of the Committee of the whole Council on this Bill be made an Order of the Day for the next day of meeting.

Question—put and passed.

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

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to consolidate and amend the Laws relating to the Sale and Occupation of Crown Lands*,” in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Speaker.

Legislative Assembly Chamber,
Melbourne, 9th April, 1862.

CROWN LANDS SALE AND OCCUPATION BILL.—The Honorable W. H. F. Mitchell moved, That this Bill be now read a first time, printed, and read a second time on the next day of meeting of the Council.

Question—put and passed.

Bill read a first time.

POSTPONEMENTS.—The following Orders of the Day were postponed until Tuesday, the 29th instant :—

“*Bank Notes Bill*”—to be read a second time.

“*Gold Export Duty Exemption Bill*”—to be read a second time.

“*Electoral Act Suspension Bill*”—to be read a third time.

FRAUDS ON CREDITORS PREVENTION 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.

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 Acting President do now leave the Chair—put and passed.

The Acting President left the Chair.

The Honorable J. Henty, as Chairman of the Committee, 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 the next day of meeting.

Question—put and passed.

ANATOMY 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 T. T. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

The Acting 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 from a Committee of the whole Council, the Bill, on the motion of the Honorable T. T. a'Beckett, was read a third time and *passed*.

The Honorable T. T. a'Beckett moved, That the title of the Bill be “*An Act for regulating Schools of Anatomy.*”

Question—put and passed.

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

POSTPONEMENT.—The Honorable W. H. F. Mitchell moved, That the Order of the Day set down for Tuesday, the 15th instant, be set down for Tuesday, the 29th instant.

Question—put and passed.

The Council adjourned at a quarter past six o'clock until four o'clock on Tuesday, the 29th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 29TH APRIL.

1. The Hon. W. HULL : To ask the Honorable the Commissioner of Railways if it is intended by the Government to retain the “*Victoria*” sloop of war as a Guard Ship in Hobson's Bay.

NOTICE OF MOTION :—

1. The Hon. T. T. a'BECKETT : To move, That the Bill to amend the Law relating to Attorneys, Solicitors, Proctors, and Conveyancers be now read a second time.

ORDERS OF THE DAY :—

1. GOLD EXPORT DUTY ACT AMENDMENT BILL.—To be further considered in Committee.
2. REAL PROPERTY BILL.—To be further considered in Committee.
3. SCAB ACT AMENDMENT BILL.—Adoption of Report.
4. CROWN LANDS SALE AND OCCUPATION BILL.—To be read a second time.
5. BANK NOTES BILL.—To be read a second time.
6. GOLD EXPORT DUTY EXEMPTION BILL.—To be read a second time.
7. ELECTORAL ACT SUSPENSION BILL.—To be read a third time.
8. FRAUDS ON CREDITORS PREVENTION BILL.—Adoption of Report.
9. PLEURO-PNEUMONIA IN CATTLE 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, 29TH APRIL, 1862.

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

The Acting President read the Prayer.

GUNPOWDER IMPORTED.—The Honorable W. H. F. Mitchell laid on the Table a Return to an Order of the Council, made on the 2nd instant.

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following papers :—

1. Criminal Statistics, 1860.
2. Electric Telegraph Department.—Report for 1861.

Ordered severally to lie on the Table.

VOLUNTEER FORCE.—The Honorable J. P. Fawcner, with leave of the Council, moved, without notice, That the cordial thanks of this Council be presented to the Volunteers of Victoria of all arms for their soldier-like and orderly bearing at the various reviews, particularly for the steadiness of the troops of all arms, on the late occasion at the Werribee.

Question—put and passed.

The Honorable J. P. Fawcner moved, That the President convey the Vote of the House to the Officers in command, to be read to the men on the first parade thereafter held.

Question—put and passed.

ATTORNEYS, SOLICITORS, ETC., BILL.—The Honorable T. T. a'Beckett, in accordance with notice, moved, That the Bill to amend the Law relating to Attorneys, Solicitors, Proctors, and Conveyancers, be now read a second time.

Debate ensued.

Question—put and negatived.

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

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to alter the Sum appropriated to the Payment of the Salary and Allowances of the Governor,*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 29th April, 1862.

GOVERNOR'S SALARY BILL.—The Honorable W. H. F. Mitchell moved, That this Bill be now read a first time, printed, and read a second time this day week.

Question—put and passed.

Bill read a first time.

GOLD EXPORT DUTY ACT AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Acting 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 W. H. F. Mitchell moved, That the report of the Committee be now adopted.

Question—put and passed.

The Honorable W. H. F. Mitchell moved, That the third reading of the Bill be made an order of the day for to-morrow.

Question—put and passed.

REAL PROPERTY BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council, being read, the Acting 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 G. S. Coppin moved, That the adoption of the Report of the Committee be made an Order of the Day for Thursday next.

Question—put and passed.

POSTPONEMENTS.—The following Order of the Day was postponed until Tuesday, the 13th proximo :—

“*Scab Act Amendment Bill*”—adoption of Report.

The following Orders of the Day were severally postponed until Wednesday, the 30th instant :—

“*Crown Lands Sale and Occupation Bill*”—to be read a second time.

“*Bank Notes Bill*”—to be read a second time.

“*Gold Export Duty Exemption Bill*”—to be read a second time.

“*Electoral Act Suspension Bill*”—to be read a third time.

The following Order of the Day was postponed until Tuesday, the 6th proximo :—

“*Frauds on Creditors Prevention Bill*”—adoption of Report.

The following Order of the Day was postponed until Wednesday, the 30th instant :—

“*Pleuro-pneumonia in Cattle Bill*”—to be read a second time.

The Council adjourned at ten minutes past seven o'clock until four o'clock on Wednesday, the 30th instant.

ORDERS OF THE DAY.

WEDNESDAY, 30TH APRIL.

Government Business.

ORDERS OF THE DAY :—

1. GOLD EXPORT DUTY ACT AMENDMENT BILL.—To be read a third time.
2. CROWN LANDS SALE AND OCCUPATION BILL.—To be read a second time.
3. BANK NOTES BILL.—To be read a second time.
4. GOLD EXPORT DUTY EXEMPTION BILL.—To be read a second time.
5. ELECTORAL ACT SUSPENSION BILL.—To be read a third time.

General Business.

ORDER OF THE DAY :—

1. PLEURO-PNEUMONIA IN CATTLE BILL.—To be read a second time.

THURSDAY, 1ST MAY.

ORDER OF THE DAY :—

1. REAL PROPERTY BILL.—Adoption of Report.

TUESDAY, 6TH MAY.

ORDERS OF THE DAY :—

1. GOVERNOR'S SALARY BILL.—To be read a second time.
2. FRAUDS ON CREDITORS PREVENTION BILL.—Adoption of Report.

TUESDAY, 13TH MAY.

ORDER OF THE DAY :—

1. SCAB 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, 30TH APRIL, 1862.

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

The Acting President read the Prayer.

CLERK OF THE COUNCIL.—The Acting President laid on the Table a letter from the Clerk of the Council to the Acting President on the subject of leave of absence applied for by the Clerk of the Council.

GOLD EXPORT DUTY ACT AMENDMENT BILL.—The Acting 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 W. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be "*An Act to amend an Act, intituled, 'An Act for granting Duties of Customs upon Gold exported from 'Victoria.'*"

Question—put and passed.

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

CROWN LANDS SALE AND OCCUPATION 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.

Debate ensued.

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 Acting President do now leave the Chair—put and passed.

The Acting President left the Chair.

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

Ordered.

PRESIDENT OF THE COUNCIL.—The Acting President announced to the Council that a letter had been received from the President of the Council stating, for the information of the Members of the Council, that he had taken his passage from England so as to enable him to return by the expiration of his leave of absence on the first of June next.

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

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled, "*An Act to amend the Laws relating to the Customs,*" and acquaint the Legislative Council that they have agreed to some and disagreed to others of the amendments made therein by the Legislative Council, in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 30th April, 1862.

FRANS. MURPHY,
Speaker.

CUSTOMS ACT AMENDMENT BILL.—The Honorable W. H. F. Mitchell moved, That the consideration of the Message from the Legislative Assembly returning this Bill be made an Order of the Day for Tuesday next.

Ordered.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Thursday, the 1st proximo :—

“*Bank Notes Bill*”—to be read a second time.

“*Gold Export Duty Exemption Bill*”—to be read a second time.

ELECTORAL ACT SUSPENSION BILL.—The Acting 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 W. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be “*An Act to suspend the operation of certain Enactments relating to Registration of Parliamentary Electors 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 desiring their concurrence therewith.

PLEURO-PNEUMONIA IN CATTLE BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. Highett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The Acting 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 W. Highett 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, 1st proximo.

The Council adjourned at ten minutes past six o'clock until four o'clock on Thursday, the 1st May.

ORDERS OF THE DAY.

THURSDAY, 1ST MAY.

ORDERS OF THE DAY:—

1. REAL PROPERTY BILL.—Adoption of Report.
2. BANK NOTES BILL.—To be read a second time.
3. GOLD EXPORT DUTY EXEMPTION BILL.—To be read a second time.
4. PLEURO-PNEUMONIA IN CATTLE BILL.—To be read a third time.

TUESDAY, 6TH MAY.

ORDERS OF THE DAY:—

1. GOVERNOR'S SALARY BILL.—To be read a second time.
2. FRAUDS ON CREDITORS PREVENTION BILL.—Adoption of Report.
3. CROWN LANDS SALE AND OCCUPATION BILL.—To be further considered in Committee.
4. CUSTOMS ACT AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

TUESDAY, 13TH MAY.

ORDER OF THE DAY:—

1. SCAB 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.

THURSDAY, 1ST MAY, 1862.

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

The Acting President read the Prayer.

PAPERS.—The Honorable W. H. F. Mitchell laid on the Table the following paper:—

Victorian Exploration.—Report of Commander Norman, of H.M.C.S. *Victoria*, together with Copy of his Journal on the late Expedition to the Gulf of Carpentaria.

Ordered to lie on the Table.

CUSTOMS ACT AMENDMENT BILL.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That this Bill be transmitted to the Legislative Assembly, with a Message informing them that a clerical error has occurred by the omission of the following amendment when the Bill was forwarded to the Legislative Assembly on the 25th March last, and requesting their concurrence with the said amendment, viz., “No bill of entry shall be available as a warrant for the landing delivery or warehousing of any goods unless there shall be written upon the face of it a receipt signed by the collector or other proper officer for the registration fees payable on the goods enumerated in such bill of entry specifying the amount of such fees;” and requesting, consequently, that they will re-consider their disagreement with the amendment made by the Legislative Council in Clause VI, line 6, of the Bill.

Question—put and passed.

REAL PROPERTY 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 G. S. Coppin moved, That the Report be now adopted.

Question—put and passed.

The Acting 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 G. S. Coppin, was read a third time and *passed*.

The Honorable G. S. Coppin moved, That the title of the Bill be “*An Act to simplify the Laws relating to the Transfer and Encumbrance of Freehold and other Interests in Land.*”

Question—put and passed.

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

BANK NOTES 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.

Debate ensued.

The Honorable T. T. a'Beckett moved, That the Petition (against the Bill) presented by him on the 8th ultimo, be read.

Question—put and passed.

The Petition was read at the Table by the Clerk.

Question—That the Bill be now read a second time—put.
Council divided.

Contents, 8.
The Hon. J. F. Strachan
T. H. Fellows
W. Degraives
N. Black
J. Henty
J. P. Fawkner
C. Vaughan
W. H. F. Mitche (*Teller*).

Not Contents, 9.
The Hon. T. H. Power
G. W. Cole
T. T. a'Beckett
H. Miller
W. Hull
W. Highett
G. Rolfe
J. McCrae
R. Thomson (*Teller*).

The question was therefore negatived.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 6th instant :—

“ *Gold Export Duty Exemption Bill* ”—to be read a second time.

PLEURO-PNEUMONIA IN CATTLE BILL.—The Acting 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 W. Highett, was read a third time and *passed*.

The Honorable W. Highett moved, That the title of the Bill be “ *An Act to amend an Act intituled ‘ An Act to prevent the further spread of the Disease in Cattle called ‘ Pleuro-pneumonia.’* ”

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 six o'clock until four o'clock on Tuesday, the 6th instant.

ORDERS OF THE DAY.

TUESDAY, 6TH MAY.

ORDERS OF THE DAY:—

1. GOVERNOR'S SALARY BILL.—To be read a second time.
2. FRAUDS ON CREDITORS PREVENTION BILL.—Adoption of Report.
3. CROWN LANDS SALE AND OCCUPATION BILL.—To be further considered in Committee.
4. CUSTOMS ACT AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
5. GOLD EXPORT DUTY EXEMPTION BILL.—To be read a second time.

TUESDAY, 13TH MAY.

ORDER OF THE DAY:—

1. SCAB 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.

TUESDAY, 6TH MAY, 1862.

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

The Acting President read the Prayer.

ILLNESS OF THE CLERK OF THE COUNCIL.—The Acting President having announced that the Clerk of the Council was prevented by illness from attending the meeting of the Council, on the motion of the Honorable W. H. F. Mitchell, the Council ordered that the Clerk-Assistant do take his place at the Table of the House.

PAPERS.—The Honorable W. H. F. Mitchell laid on the Table the following papers:—

1. Health Officer.—Report for the year ending 31st December, 1861.
2. Board of National Education Rule.—Examination and Salaries of Teachers.

Ordered to lie on the Table.

GOVERNOR'S SALARY 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. Debate ensued.

Question—That the Bill be now read a second time—put.

The Acting President pointed out that, as it might be held that the Bill fell under the provisions 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 twenty-two, that being the number of Members in the House.

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

Ordered—That the Bill be now considered in Committee of the whole Council.

The Acting 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 W. H. F. Mitchell moved, That the report of the Committee be now adopted.

Question—put and passed.

The Acting 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 W. H. F. Mitchell, was read a third time and *passed*. The number of Members voting for the third reading was twenty-two, that being the number of Members present, and constituting an absolute majority of the whole number of the Members of the Council.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be, "*An Act to alter the sum appropriated to the payment of the Salary and Allowances of the Governor.*"

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.

FRAUDS ON CREDITORS PREVENTION 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, and that the Bill be re-committed to the consideration of the Committee of the whole Council.

Question—That the Order of the Day be discharged and that the Bill be re-committed to the consideration of a Committee of the whole Council—put and passed.

The Acting President left the Chair.

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

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.

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

MR. ACTING PRESIDENT—

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

Legislative Assembly Chamber,
Melbourne, 6th May, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled, "*An Act to simplify the Laws relating to the Transfer and Encumbrance of Freehold and other Interests in Land*," and inform the Legislative Council that they have agreed to the amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 6th May, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled, "*An Act to suspend the operation of certain enactments relating to Registration of Parliamentary Electors and for other purposes*," and inform the Legislative Council that they have agreed to the amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 6th May, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled, "*An Act to amend the Laws relating to the Customs*," and acquaint them that the Legislative Assembly have agreed to the amendment made therein by the Legislative Council, viz. : the insertion of a new Clause A 1, and that the Legislative Assembly do not insist on their disagreement in the amendment made by the Legislative Council in line 6 Clause VI. of the Bill.

Legislative Assembly Chamber,
Melbourne, 6th May, 1862.

FRANS. MURPHY,
Speaker.

ALIENS BILL.—The Honorable W. H. F. Mitchell 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.

CROWN LANDS SALE AND OCCUPATION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council, being read, the Acting President left the Chair.

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

Ordered.

CUSTOMS ACT AMENDMENT BILL.—The Order of the Day for the consideration of Message from Legislative Assembly, disagreeing to amendments in this Bill, being read, the Honorable T. H. Fellows moved, That a Message be transmitted to the Legislative Assembly, requesting them to appoint a Committee of five members to confer with a Committee of equal number of the Legislative Council, upon the amendments made by the Legislative Council, and disagreed with by the Legislative Assembly, in this Bill.

Question—put and passed.

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

"*Gold Export Duty Exemption Bill*"—to be read a second time.

ADJOURNMENT.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That the House at its rising adjourn until Tuesday next, and that the business standing on the paper for to-morrow be set down for that day.

Question—put and passed.

The Council adjourned at five o'clock until four o'clock on Tuesday, the 13th instant.

ORDERS OF THE DAY.

TUESDAY, 13TH MAY.

ORDERS OF THE DAY:—

1. SCAB ACT AMENDMENT BILL.—Adoption of Report.
2. ALIENS BILL.—To be read a second time.
3. CROWN LANDS SALE AND OCCUPATION BILL.—To be further considered in Committee.
4. GOLD EXPORT DUTY EXEMPTION BILL.—To be read a second time.
5. FRAUDS ON CREDITORS PREVENTION BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 13TH MAY, 1862.

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

The Acting President read the Prayer.

ROYAL ASSENT TO BILLS.—The Acting President announced to the Council that a letter had been received from the Private Secretary, stating that it is the intention of His Excellency the Governor to proceed to the Legislative Council Chamber at half-past four o'clock on Wednesday, the 14th instant, to assent, in Her Majesty's name, to certain Bills.

SCAB 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 Acting President having reported that the Chairman of the Committee 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 repeal the Act intituled 'An Act for preventing the extension of the Disease called Scab in Sheep' and to substitute other provisions in lieu thereof.*"

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 requesting their concurrence therewith.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 14th instant :—

"*Aliens Bill*"—to be read a second time.

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

"*Crown Lands Sale and Occupation Bill*"—to be further considered in Committee.

"*Gold Export Duty Exemption Bill*"—to be read a second time.

FRAUDS ON CREDITORS PREVENTION 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 Acting President having reported that the Chairman of the Committee 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 prevent Frauds upon Creditors by Secret Bills of Sale of Personal Chattels.*"

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 requesting their concurrence therewith.

CROWN LANDS SALE AND OCCUPATION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Acting 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 Acting President announced the receipt of the following Message from the Legislative Assembly—

MR. ACTING PRESIDENT,

The Legislative Assembly request that the Legislative Council will give leave to the Honorable Mr. Fellows to attend and give Evidence before the Select Committee of the Legislative Assembly on the Pensions Bill.

Legislative Assembly Chamber,
Melbourne, 13th May, 1862.

FRANS. MURPHY,
Speaker.

The Honorable W. H. F. Mitchell moved, That leave be given to the Honorable T. H. Fellows to attend and give evidence, as requested by the Legislative Assembly.
Question—put and passed.

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

“*Gold Export Duty Exemption Bill*”—to be read a second time.

The Council adjourned at twenty-five minutes past six o'clock until four o'clock on Wednesday, the 14th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 14TH MAY.

Government Business.

ORDER OF THE DAY :—

1. CROWN LANDS SALE AND OCCUPATION BILL.—To be further considered in Committee.

General Business.

NOTICES OF MOTION :—

1. The Hon. J. P. FAWKNER : To move, That this Council desires to impress upon His Excellency and his ministers the imperative necessity of commencing and carrying out, as far as is practicable, by means of men and munitions of war now on hand, the fortifying of the harbor, as advised and devised by the eminent naval, engineer, and military officers whose views have been elicited by the Defence Commission. The vast amount of capital now lying exposed to insult is enormous. Taking into account the number and value of the numerous first-class and other merchant vessels now in harbor ; the large amount of goods that are contained in these vessels and the storehouses on the Bay ; the value of the wharves, public and private ; and lastly, the lives of the seamen and others employed on or about these various positions, demand, trumpet-tongued, the immediate attention of the Government. The additional sum necessary to ensure comparative safety would scarcely exceed one year's insurance on the vast amount now at stake.

Contingent on this motion being carried, That an Address to His Excellency the Governor, embodying this motion, be prepared and presented to His Excellency by the President and such Members of Council as choose to attend.

2. The Hon. W. HULL : To move for a Return of the amount expended in the maintenance of the Colonial sloop of war *Victoria*, during her absence from this colony on Imperial service in New Zealand ; together with a Return of what sum has been repaid to this colony by the Imperial or New Zealand Governments.

ORDER OF THE DAY :—

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

TUESDAY, 20TH MAY.

NOTICE OF MOTION :—

1. The Hon. G. W. COLE : To move, That an Address be presented to His Excellency the Governor, setting forth—
 - (1.) That it is the opinion of this Council that the fortifications necessary for the defence of the Harbor should be at once completed.
 - (2.) That, in the opinion of this Council, the requisite funds might be procured by a Bill authorizing a loan to be raised by debentures for the purpose, and for providing the means of manufacturing powder, shot, and shells, and all the appliances of war.

ORDER OF THE DAY :—

1. GOLD EXPORT DUTY EXEMPTION 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, 14TH MAY, 1862.

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

The Acting President read the Prayer.

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following Papers:—

1. Burnt Creek Gold Fields Common.—Proclamation (17 March, 1862).
2. Quartz Reefs, Yield of Gold from.—Memorandum (28 April, 1862).

Ordered severally to lie on the Table.

CROWN LANDS SALE AND OCCUPATION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Acting President left the Chair.

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

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 assent, in the name of Her Majesty the Queen, to the following Bills:—

*“An Act to amend an Act intituled ‘An Act for granting duties of Customs upon
“Gold exported from Victoria.’”*

*“An Act to amend an Act intituled ‘An Act to prevent the further spread of
“the disease in Cattle called Pleuro-Pneumonia.’”*

*“An Act to suspend the operation of certain enactments relating to Registration
“of Parliamentary Electors and for other purposes.”*

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.

“HENRY BARKLY,
“Governor.”

His Excellency was then pleased to reserve, for the signification of Her Majesty's pleasure thereon, the following Bill, viz:—a Bill intituled, “*An Act to alter the sum appropriated to the payment of the Salary and Allowances of the Governor.*”

The Clerk of the Parliaments delivered to Mr. Speaker a schedule of the Bills assented to and of the Bill reserved.

Mr. Speaker and the Legislative Assembly withdrew.
His Excellency the Governor left the Council Chamber.

CROWN LANDS SALE AND OCCUPATION BILL.—The Acting President left the Chair.

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

Ordered.

ADJOURNMENT.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.
Question—put and passed.

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

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to regulate the Civil Service*," in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 14th May, 1862.

FRANS. MURPHY,
Speaker.

CIVIL SERVICE BILL.—The Honorable W. H. F. Mitchell moved, That this Bill be now read a first time and printed, and read a second time on Wednesday next.

Question—put and passed.

Bill read a first time.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday next :—
"*Aliens Bill*"—to be read a second time.

The Council adjourned at five minutes to six o'clock until four o'clock on Tuesday, the 20th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 20TH MAY.

NOTICES OF MOTION :—

1. The Hon. G. W. COLE : To move, That an Address be presented to His Excellency the Governor, setting forth—
 - (1.) That it is the opinion of this Council that the fortifications necessary for the defence of the Harbor should be at once completed.
 - (2.) That, in the opinion of this Council, the requisite funds might be procured by a Bill authorizing a loan to be raised by debentures for the purpose, and for providing the means of manufacturing powder, shot, and shells, and all the appliances of war.
2. The Hon. J. P. FAWKNER : To move, That this Council desires to impress upon His Excellency and his ministers the imperative necessity of commencing and carrying out, as far as is practicable, by means of men and munitions of war now on hand, the fortifying of the harbor, as advised and devised by the eminent naval, engineer, and military officers whose views have been elicited by the Defence Commission. The vast amount of capital now lying exposed to insult is enormous. Taking into account the number and value of the numerous first-class and other merchant vessels now in harbor ; the large amount of goods that are contained in these vessels and the storehouses on the Bay ; the value of the wharves, public and private ; and lastly, the lives of the seamen and others employed on or about these various positions, demand, trumpet-tongued, the immediate attention of the Government. The additional sum necessary to ensure comparative safety would scarcely exceed one year's insurance on the vast amount now at stake.
Contingent on this motion being carried, That an Address to His Excellency the Governor, embodying this motion, be prepared and presented to His Excellency by the President and such Members of Council as choose to attend.
3. The Hon. W. HULL : To move for a Return of the amount expended in the maintenance of the Colonial sloop of war *Victoria*, during her absence from this colony on Imperial service in New Zealand ; together with a Return of what sum has been repaid to this colony by the Imperial or New Zealand Governments.

ORDER OF THE DAY :—

1. GOLD EXPORT DUTY EXEMPTION BILL.—To be read a second time.
2. CROWN LANDS SALE AND OCCUPATION BILL.—To be further considered in Committee.
3. ALIENS BILL.—To be read a second time.

WEDNESDAY, 21ST MAY.

Government Business.

ORDER OF THE DAY :—

1. CIVIL SERVICE 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, 20TH MAY, 1862.

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

The Acting President read the Prayer.

FORTIFICATIONS OF HARBOR.—The Honorable G. W. Cole, in accordance with notice, moved,
That an Address be presented to His Excellency the Governor, setting forth—

- (1.) That it is the opinion of this Council that the fortifications necessary for the defence of the Harbor should be at once completed.
- (2.) That, in the opinion of this Council, the requisite funds might be procured by a Bill authorizing a loan to be raised by debentures for the purpose, and for providing the means of manufacturing powder, shot, and shells, and all the appliances of war.

Debate ensued.

Question—That an Address be presented to His Excellency the Governor, setting forth—
That it is the opinion of this Council that the fortifications necessary for the defence of the Harbor should be at once completed—put and passed.

Question—That, in the opinion of this Council, the requisite funds might be procured by a Bill authorizing a loan to be raised by debentures for the purpose, and for providing the means of manufacturing powder, shot, and shells, and all the appliances of war—by leave withdrawn.

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following paper :—
Victoria, Colonial Sloop of War.—Expenses in New Zealand, and manner in which they were defrayed.

Ordered to lie on the Table.

POSTPONEMENT.—The following Order of the Day was postponed until Thursday, the 22nd instant :—

“ *Gold Export Duty Exemption Bill* ”—to be read a second time.

CROWN LANDS SALE AND OCCUPATION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Acting President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again after an adjournment during pleasure.

Ordered.

The Honorable Dr. Hope moved, That the Council adjourn during pleasure.

Question—put and passed.

The Acting President left the Chair.

After lapse of a few minutes the Acting President resumed the Chair.

The Honorable J. F. Strachan moved, That the Acting President do now leave the Chair.

Question—put and passed.

The Acting President left the Chair.

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

Ordered.

POSTPONEMENT.—The following Order of the Day was postponed until to-morrow :—

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

The Council adjourned at a quarter to seven o'clock until four o'clock on Wednesday, the 21st instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

 WEDNESDAY, 21ST MAY.
Government Business.

ORDERS OF THE DAY:—

1. CIVIL SERVICE BILL.—To be read a second time.
2. CROWN LANDS SALE AND OCCUPATION BILL.—To be further considered in Committee.

General Business.

NOTICE OF MOTION:—

1. The Hon. J. P. FAWKNER: To move, That a Committee, consisting of the Honorables J. F. Strachan, W. Hull, G. W. Cole, F. Robertson, and the Mover, be appointed to prepare an Address to His Excellency the Governor, stating that, in the opinion of the Council, it is imperative that the fortifications necessary for the defence of the Harbor, as far as practicable, as advised and devised by the eminent naval, engineer, and military officers whose views have been elicited by the Defence Commission, and by means of the men and munitions of war now on hand, be at once completed.

ORDER OF THE DAY:—

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

 THURSDAY, 22ND MAY.

ORDER OF THE DAY:—

1. GOLD EXPORT DUTY EXEMPTION BILL.—To be read a second time.

 TUESDAY, 27TH MAY.

1. The Hon. F. ROBERTSON: To ask the Honorable the Commissioner of Railways if the Government will allow artificial manures, such as guano, bone dust, &c., to be conveyed by the Victorian railways at a less charge than the ordinary rate for goods.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 21st May.

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, 21ST MAY, 1862.

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

PRINTING COMMITTEE.—THIRD REPORT.—The Honorable R. Thomson brought up the Third Report of the Printing Committee, and moved that the same be adopted and printed.
Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Thursday, the 22nd instant :—

“ *Civil Service Bill* ”—to be read a second time.

CROWN LANDS SALE AND OCCUPATION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Acting President left the Chair.

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

FORTIFICATIONS AND DEFENCE OF HARBOR.—The Honorable J. P. Fawcner, in accordance with *amended* notice, moved, That a Committee, consisting of the Honorables J. F. Strachan, W. Hull, G. W. Cole, F. Robertson, and the Mover, be appointed to prepare an Address to His Excellency the Governor, stating that, in the opinion of the Council, it is imperative that the fortifications necessary for the defence of the Harbor, especially the contemplated Piled Fort, as far as practicable, as advised and devised by the eminent naval, engineer, and military officers whose views have been elicited by the Defence Commission, and by means of the men and munitions of war now on hand, be at once completed.

Question—put and passed.

ALIENS 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 Acting President do now leave the Chair—put and passed.

The Acting 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 Acting President announced the receipt of the following Messages from the Legislative Assembly :—

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, “ *An Act for the Punishment of any Person who shall by his negligence cause grievous bodily injury to any other person ;* ”

Also a Bill, intituled, “ *An Act to apply the sum of Four hundred and Twenty-two thousand Two hundred and Fifty Pounds out of the Consolidated Revenue to the service of the year One thousand Eight hundred and Sixty-two ;* ”

Also a Bill, intituled, “ *An Act to give a Preferable Lien upon Growing Crops without delivery ;* ”

in all of which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chamber,
Melbourne, 21st May, 1862.

Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to amend an Act to amend the Law for the Protection of the Fisheries of Victoria,*" in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, May, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly request that the Legislative Council will give leave to the Honorable Mr. Mitchell to attend and give evidence before the Select Committee of the Legislative Assembly on the "Experimental Farm."

Legislative Assembly Chamber,
Melbourne, 21st May, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have agreed to the following resolutions in relation to the undermentioned Bill:—

1. That, inasmuch as the Bill intituled "*An Act to amend the Laws relating to the Customs*" is a Bill for imposing certain duties, rates, and imposts, this House is of opinion the Constitution Act prohibits the Legislative Council making any alteration in such Bill.
2. That the proceedings taken by the Legislative Assembly upon the several Messages from the Legislative Council respecting their amendments in this Bill have been so taken inadvertently.
3. That such proceedings be now read and rescinded.

Legislative Assembly Chamber,
Melbourne, 21st May, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council a Bill, intituled, "*An Act to repeal the Act intituled 'An Act for Preventing the Extension of the disease called Scab in Sheep and to substitute other provisions in lieu thereof,'*" and acquaint the Legislative Council that they have agreed to the amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 21st May, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council a Bill, intituled, "*An Act to prevent Frauds upon Creditors by secret Bills of Sale of personal Chattels,*" and acquaint them that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 21st May, 1862.

FRANS. MURPHY,
Speaker.

INJURIES BILL.—The Honorable W. H. F. Mitchell 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.

CONSOLIDATED REVENUE BILL.—The Honorable W. H. F. Mitchell 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.

MESSAGE FROM LEGISLATIVE ASSEMBLY—ATTENDANCE OF HONORABLE W. H. F. MITCHELL BEFORE A SELECT COMMITTEE OF LEGISLATIVE ASSEMBLY.—The Honorable J. F. Strachan moved, That leave be given to the Honorable W. H. F. Mitchell to attend and give evidence before the Select Committee of the Legislative Assembly on the Experimental Farm.

Question—put and passed.

CUSTOMS LAWS AMENDMENT BILL.—Message from the Legislative Assembly.—The Honorable W. H. F. Mitchell moved, That the Message from the Legislative Assembly with reference to this Bill be taken into consideration on Tuesday next.

Question—put and passed.

PREFERABLE LIEN ON CROPS BILL.—The Honorable T. T. a'Beckett 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 Council adjourned at half-past five o'clock until four o'clock on Thursday, the 22nd instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 22ND MAY.

NOTICES OF MOTION:—

1. The Hon. J. P. FAWKNER: To move, That this Council having twice passed the Titles to Land Bill, and both Houses of Parliament having on the second occasion given their consent to said Bill, upon the repeated petitions of a large body of the Colonists, find, with feelings of great regret, that the present Ministry have, by some unknown means, put the said Bill in abeyance—they resolve that they will not pass any more Bills until the Titles to Land Bill is disposed of, and a report made to this Council of the decision arrived at by those who at present wield the Government of this Country.
2. The Hon. D. KENNEDY: To move, That the Honorable the Commissioner of Railways and Roads be requested to lay on the Table of this House a Return, embracing a list of the names of the individuals whose runs, or portions of whose runs, have been withdrawn from the ten millions of acres, as delineated on the map accompanying the Land Bill, and as it passed the House of Assembly; the extent of each of those runs; the particular locality in which each run is situated; and also the authority upon which any alteration has been made in the map after the passing of the Bill in the Assembly.

ORDERS OF THE DAY:—

1. GOLD EXPORT DUTY EXEMPTION BILL.—To be read a second time.
2. CIVIL SERVICE BILL.—To be read a second time.
3. CROWN LANDS SALE AND OCCUPATION BILL.—To be further considered in Committee.

TUESDAY, 27TH MAY.

1. The Hon. F. ROBERTSON: To ask the Honorable the Commissioner of Railways if the Government will allow artificial manures, such as guano, bone dust, &c., to be conveyed by the Victorian railways at a less charge than the ordinary rate for goods.

ORDERS OF THE DAY:—

1. ALIENS BILL.—To be further considered in Committee.
2. INJURIES BILL.—To be read a second time.
3. CONSOLIDATED REVENUE BILL.—To be read a second time.
4. CUSTOMS LAWS AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
5. PREFERABLE LIEN ON CROPS BILL.—To be read a second time.

MEETING

OF

SELECT COMMITTEE.

Thursday, 22nd May.

FORTIFICATIONS AND DEFENCES OF HARBOR COMMITTEE—at 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 22ND MAY, 1862.

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

The Acting President read the Prayer.

ACCIDENT TO THE CHAIRMAN OF COMMITTEES.—The Acting President announced that it was his painful duty to inform the Council that a serious accident had happened to the Honorable R. Thomson, Chairman of Committees.

FORTIFICATIONS AND DEFENCE OF HARBOR, SELECT COMMITTEE.—The Honorable J. P. Fawkner brought up the Report of the Select Committee appointed on the 21st instant, to prepare an Address to His Excellency the Governor, and moved, That the same be received.

The Address was read at the Table as follows :—

MAY IT PLEASE YOUR EXCELLENCY—

We, Her Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, beg to draw your attention to the whole of the plan of defence proposed by Captain Scratchley, of the Royal Engineers, wherein he suggests sundry fortifications, Nos. 1 to 10, and in which plan he strongly recommends that a pile fort be erected (No. 6 on his plan).

Commander Seymour also points out the necessity for this fort as most urgent.

We desire to call Your Excellency's attention to the vast amount of property at stake, and that the present is the proper time to prepare these defences.

We submit to Your Excellency, as a question for your consideration, the propriety of casing the pile battery in mail, at such inclination as the Artillery Officers may recommend.

We beg leave to call Your Excellency's attention to your memorandum dated 15 | 11 | 59, signed H. B., wherein you state, "*That there seems no doubt that the harbor and town may be rendered secure against any possible attack*"; and we trust, that if funds are not available, that Your Excellency will cause to be laid before Parliament a Message recommending that the funds requisite be provided without further delay.

REAL PROPERTY BILL.—The Honorable J. P. Fawkner, in accordance with *amended* notice, moved, That this Council having twice passed the Titles to Land Bill, and both Houses of Parliament having on the second occasion given their consent to the said Bill, upon the repeated petitions of a large body of the colonists, find, with feelings of great regret, that the present Ministry have, by some unknown means, put the said Bill in abeyance; and resolve that an Address be presented to His Excellency the Governor, praying that he will be pleased to assent to the said Bill without delay.

Debate ensued.

Motion, by leave, withdrawn.

MAP REFERRED TO IN THE LAND BILL.—The Honorable D. Kennedy, in accordance with notice, moved, That a Return be laid on the Table of the House, embracing a list of the names of the individuals whose runs, or portions of whose runs, have been withdrawn from the ten millions of acres, as delineated on the map accompanying the Land Bill, and as it passed the House of Assembly; the extent of each of those runs; the particular locality in which each run is situated; and also the authority upon which any alteration has been made in the map after the passing of the Bill in the Assembly.

Question—put and passed.

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

Question—put and passed.

Bill read a second time.

CHAIRMAN OF COMMITTEES.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That the Honorable C. Vaughan do act as Chairman of Committees this day.

Question—put and passed.

GOLD EXPORT DUTY EXEMPTION BILL.—The Honorable W. H. F. Mitchell moved, That this Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The Acting President left the Chair.

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

The Honorable J. F. Strachan moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Acting President having reported that the Chairman of the Committee 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. F. Strachan, was read a third time and *passed*.

The Honorable J. F. Strachan moved, That the title of the Bill be "*An Act to authorize the exportation from the Colony of Victoria free of Customs duty of Gold not being the produce of the said Colony and for other purposes.*"

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 Acting President announced the receipt of the following Message from the Legislative Assembly :—

MR. ACTING PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that the Clerk of the Parliaments having reported that the following clerical error has occurred in the Bill, intituled, "*An Act to repeal the Act intituled 'An Act for preventing the extension of the disease called Scab in Sheep' and to substitute other provisions in lieu thereof,*" viz. : In clause VIII. of the Bill, the words "six shillings," as an estimate of value of sheep, are used, while in the schedule to the Bill having reference to such estimate of value the words "seven shillings" are used in two places, the Legislative Assembly request the Legislative Council to strike the word "seven" out of the schedule to the Bill, and insert instead thereof the word "six" in the two places referred to by the Clerk of the Parliaments.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd May, 1862.

SCAB ACT AMENDMENT BILL.—The Honorable T. H. Fellows moved, That the Council do agree with the Legislative Assembly to strike the word "seven" out of the schedule to the Bill, and insert instead thereof the word "six" in the two places referred to by the Clerk of the Parliaments.

Question—put and passed.

CIVIL SERVICE 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 Acting President do now leave the Chair—put and passed.

The Acting President left the Chair.

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

Ordered.

CROWN LANDS SALE AND OCCUPATION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Acting President left the Chair.

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

Ordered.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

 TUESDAY, 27TH MAY.

1. The Hon. F. ROBERTSON: To ask the Honorable the Commissioner of Railways if the Government will allow artificial manures, such as guano, bone dust, &c., to be conveyed by the Victorian railways at a less charge than the ordinary rate for goods.

NOTICE OF MOTION:—

1. The Hon. T. H. FELLOWS: To move, That a Message be transmitted to the Legislative Assembly, acquainting them that this House, having considered the urgent necessity of providing against a deficiency of the revenue, has agreed to the Bill, intituled, "*An Act to amend the Laws relating to the Customs,*" (as originally sent to this House), without amendments; but in doing so record their dissent from the opinion that the Constitution Act prohibits the Legislative Council making any alteration to such Bill.

ORDERS OF THE DAY:—

1. AMENS BILL.—To be further considered in Committee.
2. INJURIES BILL.—To be read a second time.
3. CONSOLIDATED REVENUE BILL.—To be read a second time.
4. CUSTOMS LAWS AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
5. PREFERABLE LIEN ON CROPS BILL.—To be read a second time.
6. CIVIL SERVICE BILL.—To be further considered in Committee.
7. CROWN LANDS SALE AND OCCUPATION 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, 27TH MAY, 1862.

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

The Acting President read the Prayer.

APPOINTMENT OF OFFICERS OF THE COUNCIL.—The Acting President announced that he had received a letter from the office of the Chief Secretary announcing the resignation of Mr. Rusden as Clerk of the Parliaments and Clerk of the Council, and the appointment of Mr. Comyns to fill those offices for a period not exceeding one year, and that Mr. Finn had been appointed to act as Clerk Assistant for the same period.

SWEARING IN OF CLERK OF THE PARLIAMENTS AND CLERK OF THE COUNCIL.—The Acting President informed the Council that the question of swearing in the Clerk of the Parliaments and Clerk of the Council had been referred to the Honorable J. D. Wood, the Minister of Justice, and that Mr. Wood had given it as his opinion that it was not necessary for the Clerk to be sworn.

FORTIFICATIONS AND DEFENCE OF HARBOR.—The Honorable J. P. Fawcner moved, That the adoption of the Report of the Select Committee on the Fortifications and Defence of the Harbor be made an Order of the Day for to-morrow.

Question—put and passed.

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following papers :—

- (1.) Agricultural and Live Stock Statistics, year ending 31st March, 1861, with Preliminary Statistical Notes.
- (2.) Return of Diseases in the various Establishments under the charge of the Chief Medical Officer, for the year 1861.

Ordered severally to lie upon the Table.

FISHERIES BILL.—The Honorable G. S. Coppin, by leave of the Council, moved, without notice, That this Bill be read a first time, printed, and made an Order of the Day for second reading on Thursday next.

Ordered.

MAP REFERRED TO IN THE LAND BILL.—The Honorable W. H. F. Mitchell moved, That the map referred to in the Land Bill, now lying in one of the Committee Rooms of the Council, be handed over to the custody of the Librarian of the Parliament.

Debate ensued.

Question—put and passed.

CHAIRMAN OF COMMITTEES.—The Honorable J. P. Fawcner, with leave of the Council, moved, without notice, That the Honorable C. Vaughan do act as Chairman of Committees this day.

Question—put and passed.

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

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

Ordered.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until after the disposal of the fourth Order of the Day :—

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

“*Consolidated Revenue Bill*”—to be read a second time.

CUSTOMS LAWS AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill having been read, the Honorable T. H. Fellows moved, That a Message be transmitted to the Legislative Assembly acquainting them that this House, having considered the urgent necessity of providing against a deficiency of the Revenue, has agreed to the Bill, intituled, "*An Act to amend the Laws relating to the Customs*" (as originally sent to this House) without amendments; but, in doing so, record their dissent from the opinion that the Constitution Act prohibits the Legislative Council making any alteration in such Bill.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were postponed until after the seventh Order of the Day :—

"*Injuries Bill*"—to be read a second time.

"*Consolidated Revenue Bill*"—to be read a second time.

"*Preferable Lien on Crops Bill*"—to be read a second time.

"*Civil Service Bill*"—to be further considered in Committee.

CROWN LANDS SALE AND OCCUPATION BILL.—The Order of the Day for the further consideration of this Bill in Committee being read, the Acting President left the Chair.

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

The Honorable W. H. F. Mitchell moved, That the Report of the Committee be now adopted.

Debate ensued.

Question—put and passed.

The Honorable W. H. F. Mitchell moved, That this Bill be made an Order of the Day for third reading on Tuesday next.

Ordered.

INJURIES 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 Acting President do now leave the Chair—put and passed.

The Acting President left the Chair.

The Chairman of the Committee 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 adoption of the Report be made an Order of the Day for to-morrow.

Ordered.

CONSOLIDATED REVENUE 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 Acting President do now leave the Chair—put and passed.

The Acting President left the Chair.

The Chairman of the Committee reported, That the Committee had gone through the Bill, and had agreed to the same without amendments.

The Honorable W. H. F. Mitchell moved, That the report of the Committee be now adopted.

Question—put and passed.

The Honorable W. H. F. Mitchell moved, That the third reading of this Bill be made an Order of the Day for Thursday next.

Ordered.

PREFERABLE LIEN ON CROPS 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.

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 Acting President do now leave the Chair—put and passed.

The Acting President left the Chair.

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

Ordered.

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

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

Ordered.

The Council adjourned at ten minutes past six o'clock until four o'clock on Wednesday, the 28th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 28TH MAY.

1. The Hon. J. P. FAWKNER: To ask the Honorable the Commissioner of Railways—
 - (1.) Is the Yarraberb run, situate close to the Elyssian Flat diggings, included or excluded from the ten millions of acres?
 - (2.) Are you aware that a large quantity of agricultural produce was sold lately that had been grown on the said run?
 - (3.) Is there a vineyard at present in occupation of the holder of this run on the land held under grazing licence?
 - (4.) Is the owner of the Yarraberb run a Mr. Donald Campbell? and if so, is his run in the hands of another squatter as trustee?
 - (5.) Has the Yarraberb run, or any part of it, been withdrawn from the ten millions of acres? and if so, for what reason, upon whose representation, and by whose authority was it so withdrawn, and at what time?
2. The Hon. G. ROLFE: To ask the Honorable the Commissioner of Railways—
 - (1.) When the railway accounts were last audited by the Audit Commissioners.
 - (2.) What was the Auditors' report then; and if he has any objection to lay that report upon the Table.
3. The Hon. W. HULL: To ask the Honorable the Commissioner of Railways whether the re-payment of the £18,465 has been demanded of the Imperial Government; and if so, the nature of the reply.

NOTICES OF MOTION:—

1. The Hon. J. P. FAWKNER: To move for a Return of squattages taken (in the whole or in part) into the ten millions of acres to be open for selection; also, a description of the quality of each of the said runs, the name of the county and district, and Return of the number of square miles or acres in each run, with the amount of licence fee and assessment actually paid for the last three years, with amount of arrears due, if any sums remain unpaid, and the names of all the holders for the last three years, in three separate returns:—
 - (1.) Return as above of those (if any) whose entire runs have been absorbed, with full particulars as above.
 - (2.) Return of those runs which have been taken in part, showing the quantity taken, and also the quantity left in the hands of the squatters;—quality of each.
 - (3.) Return of all those who have had their lands, as the whole or in part, withdrawn from the ten millions of acres, showing how much was taken, and how many acres have been restored, with the quality of each division. The lists to be complete with name of all the owners (if more than one) who have held each run for and during the last three years.
2. The Hon. W. HULL: To move for a Return of the sums (if any) contributed by the other Australian Dependencies, towards the maintenance of the Imperial Staff in this Colony.

ORDERS OF THE DAY:—

1. FORTIFICATIONS AND DEFENCE OF HARBOR.—Adoption of Report of Select Committee.
2. ALIENS BILL.—To be further considered in Committee.
3. INJURIES BILL.—Adoption of Report.
4. PREFERABLE LIEN ON CROPS BILL.—To be further considered in Committee.
5. CIVIL SERVICE BILL.—To be further considered in Committee.

THURSDAY, 29TH MAY.

ORDERS OF THE DAY:—

1. FISHERIES BILL.—To be read a second time.
2. CONSOLIDATED REVENUE BILL.—To be read a third time.

TUESDAY, 3RD JUNE.

ORDER OF THE DAY:—

1. CROWN LAND: SALE AND OCCUPATION BILL.—To be read a third time.

MEETING

OF

SELECT COMMITTEE.

Tuesday, 3rd June.

BARRISTERS ADMISSION BILL—at 3 o'clock.

CHARLES L. COMYNS,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 28TH MAY, 1862.

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

The Acting President read the Prayer.

PAPER.—The Honorable W. H. F. Mitchell presented to the Council the following Paper:—
Crown Lands alienated from 1st October to 31st December, 1861, inclusive.
Ordered to lie upon the Table.

RETURN OF SQUATTAGES TAKEN INTO THE TEN MILLIONS OF ACRES OPEN FOR SELECTION.—

The Honorable J. P. Fawcner, in accordance with notice, moved for a Return of squattages taken (in the whole or in part) into the ten millions of acres to be open for selection; also, a description of the quality of each of the said runs, the name of the county and district; also, a Return of the number of square miles or acres in each run, with the amount of licence fee and assessment actually paid for the last three years, with amount of arrears due, if any sums remain unpaid, and the names of all the holders for the last three years, in three separate returns:—

- (1.) Return as above of those (if any) whose entire runs have been absorbed, with full particulars as above.
- (2.) Return of those runs which have been taken in part, showing the quantity taken, and also the quantity left in the hands of the squatters;—quality of each.
- (3.) Return of all those who have had their lands, as the whole or in part, withdrawn from the ten millions of acres, showing how much was taken, and how many acres have been restored, with the quality of each division. The lists to be complete with name of all the owners (if more than one) who have held each run for and during the last three years.

Question—put and passed.

MAINTENANCE OF IMPERIAL STAFF IN THE COLONY.—The Honorable W. Hull, in accordance with *amended* notice, moved for a Return of the sums paid in maintenance of the Head Quarters' Staff since it was removed from Sydney to this city; how applied; and what portion (if any) has been contributed by the other Australian dependencies towards the maintenance of the Imperial Staff in this colony.

Question—put and passed.

FORTIFICATIONS AND DEFENCE OF HARBOR.—The Order of the Day for the adoption of the Report of the Select Committee on the Fortifications and Defence of the Harbor having been read, the Honorable J. P. Fawcner moved, That the Report be now adopted.

Debate ensued.

Question—That the Report of the Select Committee be adopted—put and passed.

CHAIRMAN OF COMMITTEES.—The Honorable W. H. F. Mitchell moved, without notice, That the Honorable C. Vaughan do act as Chairman of Committees this day.

Question—put and passed.

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

The Chairman of the Committee 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 Report of the Committee be made an Order of the Day for adoption on Tuesday next.

Ordered.

INJURIES 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 W. H. F. Mitchell moved that the Report be now adopted.

Question—put and passed.

The Acting President having reported that the Chairman of the Committee had certified that the fair print of the Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable W. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be “*An Act for the Punishment of any Person who shall by his negligence cause greivous bodily Injury to any other Person.*”

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.

PREFERABLE LIEN ON CROPS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Acting President left the Chair.

The Chairman of the Committee 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 Tuesday next.

Ordered.

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

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

Ordered.

CHAIRMAN OF COMMITTEES.—The Honorable J. P. Fawcner, by leave of the Council, moved, without notice, That the Honorable C. Vaughan be Chairman of Committees during the absence of the Honorable Robert Thomson.

Question—put and passed.

ADJOURNMENT.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That the House at its rising adjourn until Tuesday next.

Ordered.

POSTPONEMENT.—The Honorable W. H. F. Mitchell moved, That the Orders of the Day set down for Thursday, the 29th instant, be set down for Tuesday, the 3rd proximo.

Ordered.

The Council adjourned at ten minutes past six o'clock until four o'clock on Tuesday, 3rd proximo.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 3RD JUNE, 1862.

1. The Hon. G. ROLFE: To ask the Honorable the Commissioner of Railways if it be the intention of the Government to urge upon the Law Officers of the Crown the importance and necessity of immediately advising His Excellency to give his assent to the Real Property Act.

ORDERS OF THE DAY:—

1. CROWN LANDS SALE AND OCCUPATION BILL.—To be read a third time.
2. ALIENS BILL.—Adoption of Report.
3. FISHERIES BILL.—To be read a second time.
4. CONSOLIDATED REVENUE BILL.—To be read a third time.
5. PREFERABLE LIEN ON CROPS BILL.—Adoption of Report.
6. CIVIL SERVICE BILL.—To be further considered in Committee.

MEETING

OF

SELECT COMMITTEE.

Tuesday, 3rd June.

BARRISTERS' ADMISSION BILL—at 3 o'clock.

CHARLES L. COMYNS,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 3RD JUNE, 1862.

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

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following Papers:—

1. Department of Railways—Audit Commissioners' Report on the Books and Accounts of.
2. Refunds to Occupants of Runs.
3. Public Accounts.—Regulation Supplementary to Regulation 20.

Ordered to lie upon the Table.

CROWN LANDS SALE AND OCCUPATION BILL.—The Acting President having reported that the Chairman of the Committee 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 Honorable W. H. F. Mitchell moved, That the Bill be now read a third time.

Debate ensued.

The Honorable J. P. Fawkner moved, as an amendment, That the word "now" be omitted, with a view to insert the words "this day week."

Question—That the word proposed to be omitted stand part of the question—put and passed.
Bill read a third time.

The Honorable W. H. F. Mitchell moved, That the Bill do now pass.

Question—put and passed.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be "*An Act to consolidate and amend the Laws relating to the Sale and Occupation of Crown Lands.*"

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.

ALIENS 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 W. H. F. Mitchell moved that the Report be now adopted.

Question—put and passed.

The Acting President having reported that the Chairman of the Committee had certified that the fair print of the Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable W. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be "*An Act to amend the Law relating to Aliens.*"

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.

FISHERIES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable G. S. Coppin moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable G. S. Coppin moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The Acting President left the Chair.

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

Ordered.

CONSOLIDATED REVENUE BILL.—The Acting President having reported that the Chairman of the Committee had certified that the fair print of the Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable W. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be "*An Act to apply the sum of Four hundred and twenty-two thousand two hundred and fifty pounds out of the Consolidated Revenue to the service of the Year One thousand eight hundred and sixty-two.*"

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.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 11th instant:—

"*Preferable Lien on Crops Bill*"—adoption of Report.

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

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

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

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to consolidate and amend the Law relating to the distillation rectifying and compounding of Spirits to the granting a Duty upon Spirits distilled in Victoria and to regulate the brewing of Beer and the sale of Fermented and Spirituous Liquors in certain cases,*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,

Legislative Assembly Chamber,

Speaker.

Melbourne, 3rd June, 1862.

DISTILLATION BILL.—The Honorable W. H. F. Mitchell moved, That this Bill be read a first time, printed, and read a second time on Wednesday, the 11th instant.

Question—put and passed.

Bill read a first time.

ADJOURNMENT.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That the House at its rising adjourn until Wednesday, the 11th instant.

Ordered.

The Council adjourned at ten minutes past seven o'clock until four o'clock on Wednesday, 11th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 11TH JUNE, 1862.

Government Business.

ORDERS OF THE DAY:—

1. CIVIL SERVICE BILL.—To be further considered in Committee.
2. DISTILLATION BILL.—To be read a second time.

General Business.

NOTICES OF MOTION:—

1. The Hon. G. ROLFE: To move, That, in the opinion of this House, the reply by the Honorable the Commissioner of Railways to the question, When the railway accounts were last audited by the Audit Commissioners, and what was the nature of that report, &c., is not satisfactory, and that a fuller explanation is required. That, before an additional auditor was employed, the Audit Commissioners' report should have been looked into, to see what, if any, suggestions were made by them.
2. The Hon. W. H. F. MITCHELL: To move, That the Honorable W. Hull be appointed a member of the Library Committee, in the place of the Honorable J. B. Bennett, absent from the colony.
3. The Hon. G. ROLFE: To move, That, in the opinion of this House, the answer by the Honorable the Commissioner of Railways in reference to the *Real Property Act* is unsatisfactory; and it is, therefore, resolved, when the Appropriation Act comes up before this House for consideration, it will not pass the same until a definite answer be given by the Government as to the course they intend to adopt with regard to this measure.

ORDERS OF THE DAY:—

1. FISHERIES BILL.—To be further considered in Committee.
2. PREFERABLE LIEN ON CROPS BILL.—Adoption of Report.

MEETING OF SELECT COMMITTEE.

Wednesday, 11th June.

REFRESHMENT ROOMS—at 3 o'clock.

CHARLES L. COMYNS,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 11TH JUNE, 1862.

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

The Acting President read the Prayer.

FORTIFICATIONS AND DEFENCE OF HARBOR ADDRESS, PRESENTATION OF, TO GOVERNOR.—The Acting President announced to the Council that he had, accompanied by some Members of the House, presented to His Excellency the Governor the Address adopted by the Council on the 28th May, and that His Excellency had been pleased to reply as follows:—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL—

Ever since my arrival in Victoria I have omitted no opportunity of urging the construction of such fortifications as would protect it against the attacks which so wealthy a colony must anticipate, in case a war with any of the great naval powers should occur; and it is, I can assure you, a source of as much disappointment to myself as to your Honorable House, that the plans of defence recommended by all the military and naval officers consulted have not yet been far enough carried out to secure the safety of the shipping in Hobson's Bay, or even render the metropolis and its suburbs exempt from danger of bombardment. With a failing revenue, and at this late period of the session, it is not deemed expedient by my advisers that Parliament should be applied to for any further provision for defensive purposes than has been already granted; but I earnestly trust that when it again assembles the state of the finances will be such as to admit of the application you suggest for the funds required to erect an iron-cased battery on the white buoy shoal, without which it seems clear the resistance presented by the shore batteries now in progress would prove comparatively ineffective.

HENRY BARKLY.

Government Offices,
 11th June, 1862.

PETITION.—The Honorable Dr. Hope presented a Petition, signed by Henry Coward, M.D., J.P., and others, praying that the Council will refuse its assent to the Licensed Victualling Acts Amendment Bill, in so far as it sanctions the sale of liquors on the Sabbath Day.

Petition received.

CIVIL SERVICE BILL.—The Order of the Day for the further consideration of this Bill in Committee being read, the Acting 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 Bill be re-committed on the twenty-third clause.

Question—put and passed.

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

The Acting President left the Chair.

The Chairman of Committees reported that the Committee had re-considered the Bill, and agreed to the same without further amendment.

The Honorable W. H. F. Mitchell moved, That the adoption of the report be made an Order of the Day for to-morrow.

Ordered.

DISTILLATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. F. Strachan 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 Acting President do now leave the Chair—put and passed.

The Acting President left the Chair.

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

The Honorable J. F. Strachan moved, That the adoption of the report be made an Order of the Day for to-morrow.

Ordered.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The Acting President announced the following Messages from the Legislative Assembly :—

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to amend the Law relating to Leases of Auriferous Land and for other purposes,*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 11th June, 1862.

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled, "*An Act for the punishment of any person who shall by his negligence cause grievous bodily Injury to any other person,*" and inform the Legislative Council that they have agreed to the amendments made therein by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 11th June, 1862.

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled, "*An Act to amend the Law relating to Aliens,*" and inform the Legislative Council that they have agreed to the amendments made therein by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 11th June, 1862.

GOLD MINING LEASES BILL.—The Honorable W. H. F. Mitchell moved, That this Bill be read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

RAILWAY ACCOUNTS AUDIT.—The Honorable G. Rolfe, in accordance with notice, moved, That, in the opinion of this House, the reply by the Honorable the Commissioner of Railways to the question, When the railway accounts were last audited by the Audit Commissioners, and what was the nature of that report, &c., is not satisfactory, and that a fuller explanation is required. That, before an additional auditor was employed, the Audit Commissioners' report should have been looked into, to see what, if any, suggestions were made by them.

Debate ensued.

Motion, by leave, withdrawn.

LIBRARY COMMITTEE.—The Honorable W. H. F. Mitchell moved, in accordance with notice, That the Honorable W. Hull be appointed a member of the Library Committee, in the place of the Honorable J. B. Bennett, absent from the colony.

Question—put and passed.

REAL PROPERTY ACT.—The Honorable G. Rolfe, in accordance with notice, moved, That, in the opinion of this House, the answer by the Honorable the Commissioner of Railways in reference to the Real Property Act is unsatisfactory; and it is, therefore, resolved, when the Appropriation Act comes up before this House for consideration, it will not pass the same until a definite answer be given by the Government as to the course they intend to adopt with regard to this measure.

Debate ensued.

Motion, by leave, withdrawn.

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

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

The Honorable G. S. Coppin moved, That the adoption of the Report be made an Order of the Day for Friday, the 13th instant.

Ordered.

PREFERABLE LIEN ON CROPS 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. T. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

The Acting 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 from a Committee of the whole Council, the Bill, on the motion of the Honorable T. T. a'Beckett, was read a third time and *passed*.

The Honorable T. T. a'Beckett moved, That the title of the Bill be "*An Act to give a Preferable Lien on growing Crops without delivery.*"

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.

The Council adjourned at five minutes past seven o'clock until four o'clock on Thursday, the 12th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 12TH JUNE.

NOTICES OF MOTION :—

1. The Hon. J. P. FAWKNER : To move, That the House resolve not to take the Appropriation Act into consideration until the Education Bill has been passed through the usual stages in the Legislative Council.
2. The Hon. W. H. F. MITCHELL : To move, That the leave of absence granted to the Honorable the President be extended to the end of the session.

ORDERS OF THE DAY :—

1. CIVIL SERVICE BILL.—Adoption of Report.
2. DISTILLATION BILL.—Adoption of Report.
3. GOLD MINING LEASES BILL.—To be read a second time.

FRIDAY, 13TH JUNE.

ORDER OF THE DAY :—

1. FISHERIES BILL.—Adoption of Report.

MEETING

OF

SELECT COMMITTEE.

Thursday, 12th June.

REFRESHMENT ROOMS—at half-past 3 o'clock.

CHARLES L. COMYNS,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 12TH JUNE, 1862.

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

PAPER.—The Honorable W. H. F. Mitchell presented to the Council the following Paper:—
Sandford Farmers' Common.—Proclamation (5th May, 1862).
Ordered to lie upon the Table.

MEETING OF THE COUNCIL.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That the Council sit on Friday, 13th June.
Ordered.

APPROPRIATION BILL.—The Honorable J. P. Fawcner, in accordance with notice, moved, That the House resolve not to take the Appropriation Act into consideration until the Education Bill has been passed through the usual stages in the Legislative Council.
Debate ensued.
Motion, by leave, withdrawn.

EXTENDED LEAVE OF ABSENCE TO THE PRESIDENT.—The Honorable W. H. F. Mitchell moved, in accordance with *amended* notice, That the leave of absence granted to the Honorable the President be extended for three months.
Question—put and passed.

CIVIL SERVICE 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 W. H. F. Mitchell moved, That the Report be now adopted.

Question—put and passed.

The Acting 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 W. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be "*An Act to regulate the Civil Service.*"

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 same with amendments, and requesting their concurrence therewith.

DISTILLATION 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. F. Strachan moved, That the Report be now adopted.

Question—put and passed.

The Acting 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. F. Strachan, was read a third time and *passed*.

The Honorable J. F. Strachan moved, That the title of the Bill be "*An Act to consolidate and amend the law relating to the distillation rectifying and compounding of Spirits to the granting a Duty upon Spirits distilled in Victoria and to regulate the brewing of Beer and the sale of fermented and spirituous Liquors in certain cases.*"

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 same, with an amendment, and requesting their concurrence therewith.

GOLD MINING LEASES 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 Acting President do now leave the Chair—put and passed.
 The Acting President left the Chair.
 The Chairman of Committees reported that the Committee had gone through the Bill and agreed to the same with an amendment.
 The Honorable T. H. Fellows moved, That the adoption of the report be made an Order of the Day for to-morrow.
 Question—put and passed.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The Acting President announced the following Messages from the Legislative Assembly:—

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act for the better maintenance and establishment of Common Schools in Victoria,*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chamber,
 Melbourne, 12th June, 1862.

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a letter from the Clerk of the Parliaments reporting that the following clerical errors have occurred in the Bill, intituled, "*An Act to consolidate and amend the Laws relating to the sale and occupation of Crown Lands,*" viz. :—

Clause II, line 19, the word "said" ought to be omitted before the word "Act," no Act having been previously mentioned.

Clause LII, line 23, "fiftieth" is an error for "forty-ninth," which is the section dealing with mining leases.

Clause LV, line 9, the word "or" after the word "otherwise" is a clerical error.

Sixth Schedule, the word "Crown" before "solicitor" ought to be omitted to correspond with section twenty-four, to which it refers.

And the Legislative Assembly request the Legislative Council to make the amendments suggested by the Clerk of the Parliaments in the said Bill.

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chamber,
 Melbourne, 12th June, 1862.

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to authorize the borrowing of Three hundred thousand pounds for the purpose of repairing a certain portion of the Railway from Melbourne to Geelong and for forming a Junction Line between the Railway from Melbourne to Geelong and the Railway from Geelong to Ballaarat and for the formation of such Junction Line and also of a Deviation Line and for other purposes in connection with the said Railway from Melbourne to Geelong,*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chamber,
 Melbourne, 12th June, 1862.

RAILWAY LOAN BILL.—The Honorable W. H. F. Mitchell moved, That this Bill be read a first time, printed, and read a second time to-morrow.

Debate ensued.

Question—put and passed.

Bill read a first time.

CLERICAL ERRORS IN LAND BILL.—The Honorable W. H. F. Mitchell moved, That the Legislative Council do agree with the Legislative Assembly, in the correction of the clerical errors referred to by the Clerk of the Parliaments, viz. : to omit the word "said" in the 19th line of Clause II; to substitute the words "*forty-ninth*" for "*fiftieth*" in line 23 of Clause LII; to omit the word "*or*" in line 9, Clause LV; to omit the word "Crown" before "solicitor" in the sixth schedule.

Question—put and passed.

COMMON SCHOOLS BILL.—The Honorable G. Rolfe moved, That this Bill be read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

The Honorable G. Rolfe moved, That the Order of the Day for the second reading of this Bill take precedence of the Railway Loan Bill to-morrow.

Ordered.

PETITION.—The Honorable G. Rolfe presented a Petition, signed by D. J. Draper and others, praying that the Council will be pleased to pass the Common Schools Bill in its integrity
Petition received.

The Council adjourned at five minutes past five o'clock until four o'clock on Friday, the 13th instant.

ORDERS OF THE DAY.

FRIDAY, 13TH JUNE.

ORDERS OF THE DAY:—

1. FISHERIES BILL.—Adoption of Report.
2. GOLD MINING LEASES BILL.—Adoption of Report.
3. COMMON SCHOOLS BILL.—To be read a second time.
4. RAILWAY LOAN BILL.—To be read a second time.

MEETING

OF

SELECT COMMITTEE.

Friday, 13th June.

PARLIAMENT BUILDINGS (JOINT)—at half-past 3 o'clock.

CHARLES L. COMYNS,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 13TH JUNE, 1862.

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

The Acting President read the Prayer.

PAPER.—The Honorable W. H. F. Mitchell presented to the Council the following paper :—
Pilot Board—Accounts for years 1859 and 1860.

Ordered to lie upon the Table.

PETITION.—The Honorable Dr. Hope presented a Petition, signed by William Bell, Mayor of Geelong, and others, praying that the Council will not assent to that portion of the Railway Loan Bill respecting the construction of the loop line or the building of a station at Cowie's Creek.

Petition received.

REFRESHMENT ROOMS (JOINT) SELECT COMMITTEE.—The Honorable W. Highett brought up the Third Progress Report of the Select Committee of both Houses, appointed for the management of the Refreshment Rooms, and moved that it be printed, and the adoption of the report be made an Order of the Day for Tuesday next.

Ordered.

FISHERIES 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 G. S. Coppin moved, That the Report be now adopted.

Question—put and passed.

The Acting 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 from a Committee of the whole Council, the Bill, on the motion of the Honorable G. S. Coppin, was read a third time and *passed*.

The Honorable G. S. Coppin moved, That the title of the Bill be "*An Act to amend and consolidate the Laws for the Protection of the Fisheries of Victoria.*"

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 requesting their concurrence therewith.

GOLD MINING LEASES 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 W. H. F. Mitchell moved, That the Report be now adopted.

Question—put and passed.

The Acting 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 W. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be "*An Act to amend the Law relating to Leases of Auriferous Lands and for other purposes.*"

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 same with an amendment, and requesting their concurrence therewith.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The Acting President left the Chair.

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

The Honorable G. Rolfe moved, That the report of the Committee be now adopted.

Question—put and passed.

The Acting 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 G. Rolfe, was read a third time and *passed*.

The Honorable G. Rolfe moved that the title of the Bill be "*An Act for the better Maintenance and Establishment of Common Schools in Victoria.*"

Question—put and passed.

Ordered—that a Message be transmitted to the Legislative Assembly acquainting them that the Council had agreed to the same without amendment.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The Acting President announced the following Message from the Legislative Assembly:—

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council a Bill, intituled, "*An Act to consolidate and amend the Law relating to the distillation rectifying and compounding of Spirits to the granting a Duty upon Spirits distilled in Victoria and to regulate the brewing of Beer and the sale of fermented and spirituous Liquors in certain cases,*" and acquaint the Legislative Council that they have agreed to the amendment made therein by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 13th June, 1862.

RAILWAY LOAN 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.

Debate ensued.

Question—That this Bill be now read a second time—put.

Council divided.

Contents, 13.
The Hon. J. F. Strachan
T. H. Fellows
S. G. Henty
Dr. Hope
J. Henty
C. Vaughan
B. Williams
F. Robertson
W. Highett
T. T. a'Beckett
G. S. Coppin
J. McCrae
W. H. F. Mitchell (*Teller*).

Not Contents, 3.
The Hon. J. P. Fawkner
G. Rolfe
T. H. Power (*Teller*).

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 Acting President do now leave the Chair—put and passed.

The Acting President left the Chair.

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

The Honorable W. H. F. Mitchell moved, That the Report be now adopted.

Question—put and passed.

The Acting 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 from a Committee of the whole Council, the Bill, on the motion of the Honorable W. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be "*An Act to authorize the borrowing of Three hundred thousand pounds for the purpose of repairing a certain portion of the Railway from Melbourne to Geelong and of forming a Junction Line between the Railway from Melbourne to Geelong and the Railway from Geelong to Ballarat and for the formation of such Junction Line and also the Deviation Line and for other purposes in connection with the said Railway from Melbourne to Geelong.*"

Question—put and passed.

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

The Council adjourned at ten minutes to eight o'clock until four o'clock on Tuesday, the 17th instant.

ORDER OF THE DAY.

TUESDAY, 17TH JUNE.

ORDER OF THE DAY:—

1. REPORT OF SELECT COMMITTEE ON REFRESHMENT ROOMS.—Adoption of Report.
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MEETING
OF
SELECT COMMITTEES.

Tuesday, 17th June.

BARRISTERS' ADMISSION BILL—at half-past 3 o'clock.

PRINTING—at half-past 3 o'clock.

CHARLES L. COMYNS,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings,
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 17TH JUNE, 1862.

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

The Acting President read the Prayer.

PAPERS.—The Honorable W. H. F. Mitchell presented to the Council the following Papers :—

1. Astronomical and Magnetical Observatory.—Second and Third Annual Report of Board of Visitors.
2. Public Accounts.—Amended Regulations respecting.
3. Farmers' Common (North side of Kyneton &c.) altered (5th June, 1862).
4. Trade and Customs.—Returns relating to, for the year 1861.
5. University of Melbourne.—Report of the Proceedings of the Council, 1861-2.

Ordered to lie upon the Table.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The Acting President announced the following Messages from the Legislative Assembly :—

MR. ACTING 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-two and to appropriate the Supplies granted in this Session of Parliament and for other purposes,*" in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th June, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a copy of a Report from a Select Committee of the Legislative Assembly on the subject of the Federal Union of the Australian Colonies, together with a copy of a Resolution agreed to this day by the Legislative Assembly in reference thereto, and the Legislative Assembly desire the concurrence of the Legislative Council in the Resolution agreed to by them.

Legislative Assembly Chamber,
Melbourne, 17th June, 1862.

FRANS. MURPHY,
Speaker.

Resolved—

1. That the Chief Secretary be requested to communicate with the Governments of the neighboring Colonies, recommending that the Delegates about to be appointed to consider the question of an uniform Tariff, may be authorised also to confer and report upon the question of a Federal Union of the Australian Colonies.

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council a Bill, intituled, "*An Act to amend and consolidate the laws for the protection of the Fisheries of Victoria,*" and acquaint the Legislative Council that they have agreed to the amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th June, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to amend 'An Act for granting a Duty of Customs on Opium,'*" in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th June, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled, "*An Act for Weights and Measures,'*" and acquaint the Legislative Council that they have made amendments therein, in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th June, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to further alter and amend the Laws relating to the Corporations of the City of Melbourne and of the Town of Geelong respectively and to extend and apply other existing Acts thereto,'*" in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th June, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council a Bill, intituled, "*An Act to amend the Law relating to Leases of Auriferous Land and for other purposes;'*"

Also a Bill, intituled, "*An Act to give a preferable Lien on Growing Crops without delivery;'*" and acquaint the Legislative Council that they have agreed to the amendments made in those Bills by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th June, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to amend in certain respects the Law relating to Licensed Public Houses;'*"

Also, a Bill, intituled, "*An Act to amend the Law relating to the Drainage of Quartz Reefs;'*" in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th June, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled, "*An Act to regulate the Civil Service,'*" and acquaint the Legislative Council that they have agreed to some of the amendments made therein by the Legislative Council, have disagreed to other of the amendments, and agreed to another amendment with an amendment, in which amendment they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th June, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council a Bill, intituled, "*An Act for the better Administration of the Law by Justices of the Peace and for other purposes in connection therewith,'*" with amendments made therein by the Legislative Assembly, in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th June, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council a Bill, intituled, "*An Act to repeal an Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales and to make other provisions instead thereof,'*" and acquaint the Legislative Council that they have made amendments therein, in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th June, 1862.

FRANS. MURPHY,
Speaker.

APPROPRIATION BILL.—The Honorable W. H. F. Mitchell moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable W. H. F. Mitchell moved, That the Bill be now read a second time.

Debate ensued.

The Honorable G. Rolfe moved as an amendment, That the Bill be read a second time after the other business of the day.

Amendment, by leave, withdrawn.

Question—That the Bill be now read a second time—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 Acting President do now leave the Chair—put and passed.

The Acting President left the Chair.

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

The Honorable W. H. F. Mitchell moved, That the report be now adopted.

Question—put and passed.

The Acting 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 W. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell 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-two and to appropriate the Supplies granted in this Session of Parliament and for other purposes.*"

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.

PRINTING COMMITTEE.—The Honorable C. Vaughan brought up the Progress Report of the Printing Committee, and moved, That it be printed and adopted.

Question—put and passed.

WEIGHTS AND MEASURES BILL.—The Honorable T. H. Fellows moved, That the Message from the Legislative Assembly with this Bill be now taken into consideration.

Question—put and passed.

On the motion of the Honorable T. H. Fellows, the several amendments were read and agreed to, and are as follow :—

Clause VII, line 12, after "inch" insert "and three such feet a yard."

Clause XXIX, line 30, after "round" leave out "with a plain and even bottom and measuring nineteen inches and a-half from outside to outside or by some multiple or aliquot part thereof," and insert "containing eight standard gallons."

Clause XLVIII, page 7, line 1, after "hundred" insert "pounds."

" " line 5, after "twenty" insert "pounds."

ADMINISTRATION OF LAW (JUSTICES) BILL.—The Honorable T. H. Fellows moved, That the Message from the Legislative Assembly with this Bill be now taken into consideration.

Question—put and passed.

On the motion of the Honorable T. H. Fellows, the several amendments were agreed to, and are as follow :—

Preamble, omit all the words to "whereas" in 12th line.

" line 15, after "sessions" insert "and otherwise to amend the Law relating to Justices."

Omit Clauses II, III, IV, V, VI, VII, and insert the following clauses :—

D. "If any person shall unlawfully assault any other person he shall on conviction thereof forfeit and pay any fine not exceeding the sum of ten pounds or be committed to any gaol or house of correction for any period not exceeding three months." **Assaults.**

E. "Any person who being so convicted shall have paid the fine adjudged to be paid or shall have suffered the imprisonment awarded instead of or for non-payment thereof shall be released from all further criminal proceedings but shall remain liable to all civil proceedings in like manner as if he had not been so convicted." **Conviction a bar to further proceedings.**

F. "In case the justices shall find the assault complained of to have been accompanied by any attempt to commit felony or shall be of opinion that the same is from any other circumstances a fit subject for a prosecution by information or otherwise they shall abstain from adjudicating thereupon and shall commit the person charged with such offence for trial in the usual way." **Justices to commit for trial in certain cases.**

G. "It shall be lawful for any Court of General Sessions on the application of either the appellant or respondent on the hearing of any appeal to state a case in respect of such appeal or any question of law arising thereon for the opinion of the Supreme Court in the same way as the Courts of Quarter Sessions in England are accustomed to state cases for the opinion of the Court of Queen's Bench in England and thereupon on such case being submitted to the said Supreme Court according to the practice which prevails in England in relation to cases **General Sessions may state a case for opinion of Supreme Court.**

so stated as aforesaid the said Supreme Court shall hear the same and shall deal therewith in the like manner as the said Court of Queen's Bench deals with cases so stated and the like proceedings in relation to the case so stated for the opinion of the said Supreme Court shall be had and taken thereon in the said Supreme Court and Court of General Sessions as are usually taken in like cases in the said Court of Queen's Bench and Courts of Quarter Sessions in England and the said Supreme Court shall have power to make such order as to the costs of and occasioned by the hearing of such case as to such Supreme Court shall seem proper."

Clause XI, line 12, after "justice" insert "by which shall be imposed any fine or penalty or forfeiture exceeding the sum or value of five pounds or any term of imprisonment exceeding seven days."

„ line 13, after "shall" insert "forthwith give notice of his intention so to appeal and shall."

Clause XI, line 17, omit "or without surety as to such justice may seem meet" and insert "two sufficient sureties."

„ at end of Clause, add "Provided always that it shall not be lawful for any person convicted under the provisions of the Act of the Lieutenant Governor and Legislative Council of Victoria passed in the seventeenth year of the reign of Her present Majesty and numbered II. to appeal to such court of general sessions."

Insert new Clause II, to follow Clause XVII. :—

II. "No greater sum than twenty pounds shall be allowed as costs to the appellant (if successful) in any appeal to the Supreme Court."

Insert new Clause I, to follow Clause XXIV. :—

I. "Notwithstanding anything contained in the Act of the Legislature of Victoria passed in the sixteenth year of the reign of Her present Majesty numbered III. it shall be lawful for any chairman of any court of general sessions of the peace to do by himself whatsoever is authorised by the said Act to be done by him together with one or more justices Provided that nothing herein contained shall be deemed to deprive any justice of any right power or authority which he possesses by virtue of the said Act."

Clause XXV, line 8, omit "ten" and insert "five."

„ line 9, after "pounds" insert "or may be imprisoned for any period not exceeding forty-eight hours."

„ line 11, omit "third" and insert "second."

„ at end of Clause, add "Provided always that if any person convicted under this section of wilful misbehaviour or wilful interruption shall before the rising of the court make to the convicting justice such an apology for such misbehaviour or interruption as by such justice shall be deemed satisfactory it shall be lawful for such justice if he shall think fit to remit such penalty or imprisonment either wholly or in part."

Clause XXVI, line 19, omit "fourth," insert "third."

„ line 29, omit "fifth," insert "fourth."

Insert Clauses C, A, B, to follow Clause XXVI. :—

C. "Any person complaining to any justice under the provisions of the twenty-second section of the Act of the Parliament of Victoria numbered XXIX that any other person is indebted to him may appear either personally or by his counsel or attorney or by any person in his exclusive employment duly authorised by writing in that behalf."

A. "If on the return of any summons or at any adjournment thereof or at the time to which the same may be postponed there shall not be present any justice or a sufficient number of justices legally competent to hear and determine the subject matter of such summons (as the case may be) the clerk of the petty sessions shall at the request of the complainant or informer postpone the hearing until the next day on which a court of petty sessions will be held at the place mentioned in such summons and every such postponement shall be made by delivering to the complainant and defendant or such of them as shall be present a memorandum in the form contained in the sixth schedule to this Act."

B. "Every witness to whom a copy of any such memorandum shall be delivered shall attend at the time and place therein mentioned and shall be subject to the same obligations and liabilities as if such memorandum were a summons issued by a justice requiring such person to testify what he shall know concerning the matter of the information or complaint."

Clause XXVII, after "take," in line 32, insert "for the use of Her Majesty."

Omit Clause XXIX.

First Schedule, at end, insert—

"17 Vic. No. 2 | *An Act for the further extension of summary jurisdiction in cases of Larceny.* | The fourth section."

Omit the Second Schedule.

The third schedule to be the second schedule.

The fourth schedule to be the third schedule.

The fifth schedule to be the fourth schedule.

Costs of appeal not to exceed twenty pounds.

Chairman of General Sessions may act by himself.

16 Vict. No. 3 ss. 8, 9.

Any person may appear by agent.

Clerk of petty sessions may in certain cases postpone hearing of summons

Witness to attend at the time to which hearing adjourned.

Insert the following, to be the fifth schedule :—

“THE FIFTH SCHEDULE.

“No.

“The summons under the hand of A. B., Esquire, Justice of the Peace, by which C. D. is required to appear here this day at _____ o'clock in the _____ noon, to answer the complaint of E. F. is now postponed by me until [*Monday*] next, the _____ day of _____ instant, at the same hour and place, when and where the said parties and their respective witnesses are required again to appear in order that the said summons may be heard and determined.

“Dated at _____ this _____ day of _____ 18 _____ .
“O. P.

“Clerk of Petty Sessions.”

Omit the sixth schedule.

CHURCH OF ENGLAND TEMPORALITIES BILL.—The Honorable T. T. a'Beckett moved, That the Message from the Legislative Assembly with this Bill be now taken into consideration.

Question—put and passed.

On the motion of the Honorable T. T. a'Beckett, the several amendments were read and agreed to, and are as follow:—

New Clause, to follow Clause I.—

A. “Nothing hereinbefore contained shall apply to any church built or commenced to be built before the passing of this Act or to the trustees churchwardens or other lay officers of such church so long as any debt existing at the time of the passing of this Act upon or in respect of such church shall remain unsatisfied.”

Omit Clause III.

MELBOURNE AND GEELONG CORPORATION ACTS AMENDMENT BILL.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That a Message be carried to the Legislative Assembly, requesting that they will be pleased to communicate to the Council copies of the Report and Proceedings from the Select Committee of that House appointed during the present Session of Parliament on the Bill.

Question—put and passed.

OPIMUM DUTIES BILL.—The Honorable W. H. F. Mitchell moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable W. H. F. Mitchell moved, That this Bill be now read a second time.

The Honorable J. P. Fawkner moved, That this Bill be read a second time this day six months.

Question—That the Bill be now read—put.

Council divided.

Contents, 11.
The Hon. G. S. Coppin
Dr. Wilkie
W. Highett
H. Miller
C. Vaughan
B. Williams
T. T. a'Beckett
T. H. Power
J. F. Strachan
T. H. Fellows
W. H. F. Mitchell (*Teller*).

Not Contents, 9.
The Hon. G. W. Cole
J. P. Fawkner
G. Rolfe
J. Stewart
J. Henty
J. McCrae
F. Robertson
W. Hull
W. Degraives (*Teller*).

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 Acting President do now leave the Chair—put and passed.

The Acting President left the Chair.

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

The Honorable W. H. F. Mitchell moved, That the Report be now adopted.

Question—put and passed.

The Acting 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 W. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be “*An Act to amend An Act for granting a Duty of Customs on Opium.*”

Question—put and passed.

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

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The Acting President announced the following Messages from the Legislative Assembly :—

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to amend the laws relating to the registration of legally qualified Medical Practitioners,*" in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th June, 1862.

FRANS. MURPHY,
Speaker.

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled, "*An Act for regulating Schools of Anatomy,*" and acquaint the Legislative Council that they have made amendments therein, in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th June, 1862.

FRANS. MURPHY,
Speaker.

ANATOMY SCHOOLS BILL.—The Honorable T. T. a'Beckett moved, That the Message from the Legislative Assembly with this Bill be now taken into consideration.

Question—put and passed.

On the motion of the Honorable T. T. a'Beckett, the several amendments were read and agreed to, and are as follow :—

Clause III, line 7, page 2, after "to" omit "every separate," and insert "any."

Clause VII, line 43, page 2, after "notice" omit "to be reckoned from the time of such decease."

Clause XVII, line 25, page 4, omit "June," insert "August."

Ordered—That a Message be transmitted to the Legislative Assembly, acquainting them that the Legislative Council have agreed to the amendments made by the Legislative Assembly in this Bill.

LICENSED PUBLICANS BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

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 Acting President do now leave the Chair—put and passed.

The Acting President left the Chair.

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

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

Question—put and passed.

The Acting 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 in certain respects the Law relating to Licensed Public Houses.*"

Question—put and passed.

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

REEFS DRAINAGE BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable T. H. Fellows moved, That the Bill be 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 Acting President do now leave the Chair—put and passed.

The Acting President left the Chair.

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

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

Question—put and passed.

The Acting 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 drainage of Quartz Reefs.*"

Question—put and passed.

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

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The Acting President announced the following Message from the Legislative Assembly :—

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council, copies of the Report and proceedings from the Select Committee of the Legislative Assembly on the Bill, intituled, "*An Act to further alter and amend the Laws relating to the Corporations of the City of Melbourne and of the Town of Geelong respectively and to extend and apply other existing Acts thereto.*"

Legislative Assembly Chamber,
Melbourne, 17th June, 1862.

FRANS. MURPHY,
Speaker

MEDICAL PRACTITIONERS BILL.—The Honorable Dr. Wilkie moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable Dr. Wilkie moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The Acting President left the Chair.

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

The Honorable Dr. Wilkie moved, That the report be now adopted.

Question—put and passed.

The Acting 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 Dr. Wilkie, was read a third time and *passed*.

The Honorable Dr. Wilkie moved, That the title of the Bill be, "*An Act to amend the Laws relating to the registration of legally qualified Medical Practitioners.*"

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.

CIVIL SERVICE BILL.—The Honorable T. H. Fellows moved, That the Message from the Legislative Assembly with this Bill be now taken into consideration.

Question—put and passed.

On the motion of the Honorable T. H. Fellows, the following amendments, disagreed to by the Legislative Assembly, were read, as follows, and not insisted on by the Legislative Council :—

Clause III, line 32, after "classes" insert "not less than four."

Clause VI, line 13, after "class," at end of clause, insert "nor in case his salary for the preceding year shall be within the limits assigned as last aforesaid shall he receive a salary lower than that received by him in such preceding year."

Clause IX, line 36, after "placed" leave out "if the responsible minister in charge of the department consent in writing that he shall do so."

Clause XXII, line 16, after "service" leave out "with or without," and instead thereof insert "after."

„ line 17, after "examination" strike out "or," and insert instead thereof "and."

Clause XXIII, line 25, after "may" insert "on an Address to that effect from the Legislative Council and Legislative Assembly."

Clause XXIV, leave out clause.

Clause XXV, after "service," at end of clause, insert "and for the purposes of this Act shall be deemed to have always remained in such service."

The following amendment was read by the Clerk :—

Clause LI, line 44, after "provide" at end of clause insert "except lockers and weighers in the Customs' service who shall have all the benefits arising from the provisions of this Act except that of increment alone."

On the motion of the Honorable T. H. Fellows, the amendment of the Legislative Assembly on the amendment of the Legislative Council was agreed to, viz., to insert after "Act," in last line, "to officers of the fourth class."

The following amendments were then read, and, on the motion of the Honorable T. H. Fellows, were not insisted on by the Council:—

- Clause LV, line 5, after "apply" insert "part of."
 „ line 5, after "office" leave out "or any part thereof."
 „ line 6, after "of" leave out "any other officers," and insert in lieu thereof "a new officer."
 „ line 7, after "division" leave out "that he may appoint," and insert instead thereof "so that such new officer shall not receive more than the salary of his division and class."

FIRST SCHEDULE, in first column, seventeenth item, leave out "Sheriff," and insert instead thereof "Sheriffs."

- „ at end of the Schedule insert—
 "Gold Receiver at Melbourne."
 "Resident Engineer."

The Honorable T. H. Fellows moved, That the Council do insist upon the amendment, to insert in the first Schedule "Clerk of the Legislative Council and Clerk of the Parliaments. Clerk Assistant of Legislative Council."

Question—That the Council do so insist—put.
 Council divided.

Contents, 9.
 The Hon. T. T. a'Beckett
 T. H. Power
 G. Rolfe
 J. McCrae
 F. Robertson
 G. S. Coppin
 J. Stewart
 J. P. Fawkner
 T. H. Fellows (*Teller*).

Not Contents, 7.
 The Hon. W. Hull
 C. Vaughan
 B. Williams
 W. H. F. Mitchell
 Dr. Wilkie
 W. Highett
 J. F. Strachan (*Teller*).

The Honorable T. H. Fellows moved, That a Message be transmitted to the Legislative Assembly, acquainting them that the Legislative Council insist on the amendments inserting "Clerk of the Legislative Council and Clerk of the Parliaments," and "Clerk-Assistant of the Legislative Council," at the end of the First Schedule; but do not insist in the other amendments to which the Legislative Assembly have disagreed, and agree with the amendment on the amendment of the Legislative Council made by the Legislative Assembly.

Question—put and passed.

MELBOURNE AND GEELONG CORPORATIONS ACTS AMENDMENT BILL.—The Honorable T. H. Fellows moved, That the Standing Orders be suspended, in order that the Bill be proceeded with.

The motion being objected to, the Acting President ruled that the motion was not in order.

FEDERAL UNION.—The Honorable W. H. F. Mitchell moved, That the Chief Secretary be requested to communicate with the Governments of the neighboring Colonies, recommending that the Delegates about to be appointed to consider the question of a uniform Tariff, may be authorized also to confer and report upon the question of a Federal Union of the Australian Colonies.

The Honorable T. H. Fellows moved, as an amendment, That the word "also" be left out; with the view to insert the following words, "by their respective Legislatures."

Question—That the word proposed to be omitted stand part of the question—put and negatived.

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

The Honorable T. H. Fellows moved, That a Message be carried to the Legislative Assembly, returning their Resolution on the subject of the Federal Union, and acquainting them that the Council have agreed to the same with an amendment, and requesting their concurrence therewith.

Question—put and passed.

REFRESHMENT ROOMS.—The Order of the Day for the adoption of the Report of the (Joint) Select Committee on the Refreshment Rooms being read, the Honorable W. Highett moved, That the Report be now adopted.

Question—put and passed.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The Acting President announced the following Message from the Legislative Assembly:—

MR. ACTING PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled "An Act to regulate the Civil Service," and inform the Legislative Council that they insist upon disagreeing with the amendment of the Legislative Council, still insisted upon by the Legislative Council, for the reasons herewith transmitted.

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chamber,
 Melbourne, 17th June, 1862.

Reasons:—

1st. The desire of the officers themselves, who conceive that they had rights, under the Constitution Schedule, which they thought might be prejudiced if they were included in the First Schedule to this Bill.

2nd. If they were included, they would have advantages over the other civil servants to the extent that they would be entitled to superannuation allowance, and other advantages, without having their annual salaries submitted to the House of Assembly under the seventh section of this Bill; an arrangement which would place them higher, as a class, than any others in the Civil Service, whilst their duties are reputed to be much lighter than those others in the service.

3rd. That their case has been under discussion as to its legal and constitutional aspects, and remains yet undecided, though the law officers who have been consulted have advised upon it.

The Honorable W. H. F. Mitchell moved, That the Council do not insist upon the amendment to insert the "Clerk of the Council and Clerk of the Parliaments," and the "Clerk-Assistant of the Legislative Council."

Question—That the Council do not insist upon these amendments—put.
Council divided.

Contents, 8.	Not Contents, 7.
The Hon. J. F. Strachan	The Hon. T. H. Power
C. Vaughan	G. Rolfe
B. Williams	J. McCrae
W. Hull	J. P. Fawkner
T. T. a'Beckett	G. S. Coppin
W. Highett	J. Stewart
Dr. Wilkie	T. H. Fellows (<i>Teller</i>).
W. H. F. Mitchell (<i>Teller</i>).	

The Honorable W. H. F. Mitchell moved, That a Message be transmitted to the Legislative Assembly, acquainting them that the Council do not insist on the insertion of the "Clerk of the Legislative Council and Clerk of the Parliaments," and the "Clerk Assistant of the Legislative Council," in the First Schedule to the Civil Service Bill.

Question—put and passed.

PROROGATION OF PARLIAMENT.—The Acting President announced to the Council, that it was His Excellency's intention to proceed to the Legislative Council to-morrow, at two o'clock, p.m., to assent to certain Bills, and prorogue Parliament.

ADJOURNMENT.—The Honorable W. H. F. Mitchell moved, That the House, at its rising, adjourn till half-past one o'clock to-morrow.

Question—put and passed.

The Council adjourned at twenty minutes to eleven o'clock till half-past one o'clock on Wednesday, the 18th instant.

CHARLES L. COMYNS,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 18TH JUNE, 1862.

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

The Acting President read the Prayer.

MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Acting President announced the following Message from the Legislative Assembly:—

MR. ACTING PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to provide for the preservation of Imported Game and during the Breeding Season of Native Game,*" in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th June, 1862.

FRANS. MURPHY,
Speaker.

GAME PRESERVATION BILL.—The Honorable G. S. Coppin moved, That the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable G. S. Coppin moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable G. S. Coppin moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The Acting President left the Chair.

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

The Honorable G. S. Coppin moved, That the report be now adopted.

Question—put and passed.

The Acting 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 G. S. Coppin, was read a third time, and *passed*.

The Honorable G. S. Coppin moved, That the title of the Bill be "*An Act to provide for the preservation of Imported Game and during the Breeding Season of Native 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 without amendment.

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, after a speech to His Excellency, 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 the sum of Four hundred and twenty-two thousand two hundred and fifty pounds out of the Consolidated Revenue to the service of the year One thousand eight hundred and sixty-two.*"

"*An Act to apply a sum out of the Consolidated Revenue to the Service of the year One thousand eight hundred and sixty-two and to appropriate the Supplies granted in this Session of Parliament and for other purposes.*"

- “An Act to simplify the Laws relating to the Transfer and Encumbrance of Freehold and other interests in Land.”
- “An Act to prevent Frauds upon Creditors by Secret Bills of Sale of Personal Chattels.”
- “An Act to authorize the Exportation from the Colony of Victoria free of Customs Duty of Gold not being the produce of the said Colony and for other purposes.”
- “An Act to repeal the Act intituled ‘An Act for preventing the extension of the disease called Scab in Sheep’ and to substitute other provisions in lieu thereof.”
- “An Act to amend the Laws relating to the Customs.”
- “An Act to consolidate and amend the Laws relating to the Sale and Occupation of Crown Lands.”
- “An Act for the punishment of any Person who shall by his negligence cause Grievous Bodily Injury to any other Person.”
- “An Act to consolidate and amend the Law relating to the distillation rectifying and compounding of Spirits to the granting a Duty upon Spirits distilled in Victoria and to regulate the brewing of Beer and the sale of Fermented and Spirituous Liquors in certain cases.”
- “An Act to amend the Law relating to Leases of Auriferous Land and for other purposes.”
- “An Act for the better Maintenance and Establishment of Common Schools in Victoria.”
- “An Act to authorise the borrowing of Three hundred thousand pounds for the purpose of repairing a certain portion of the Railway from Melbourne to Geelong and of forming a Junction line between the Railway from Melbourne to Geelong and the Railway from Geelong to Ballaarat and for the formation of such Junction line and also the Deviation line and for other purposes in connection with the said Railway from Melbourne to Geelong.”
- “An Act for Weights and Measures.”
- “An Act to amend and consolidate the Laws for the protection of the Fisheries of Victoria.”
- “An Act to amend the Law relating to the Drainage of Quartz Reefs.”
- “An Act to amend in certain respects the Law relating to Licensed Public Houses.”
- “An Act to amend an Act for granting a Duty of Customs on Opium.”
- “An Act for regulating Schools of Anatomy.”
- “An Act to repeal ‘An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales’ and to make other provisions instead thereof.”
- “An Act to amend the Laws relating to the Registration of legally qualified Medical Practitioners.”
- “An Act for the better administration of the Law by Justices of the Peace and for other purposes in connection therewith.”
- “An Act to regulate the Civil Service.”
- “An Act to provide for the Preservation of Imported Game and during the Breeding Season of Native Game.”

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.

“HENRY BARKLY,
“Governor.”

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

“An Act to amend the Law relating to Aliens.”

“An Act to give a Preferable Lien on growing Crops without delivery.”

The Clerk of the Parliaments delivered to Mr. Speaker a schedule 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 am happy to be enabled to release you from your attendance on Parliament.

The labors of a long and arduous session may well entitle you to repose, and as the chief questions affecting legislation have been dealt with by you in a spirit of comprehensive liberality and wisdom, I confidently trust that the ordinary sessions of Parliament may in future be reduced in duration to a period much shorter than has hitherto been found necessary.

Legislative measures intended for submission to Parliament in future sessions may, therefore, during each recess, receive that careful and mature consideration which has been rendered impossible under past arrangements.

The aim of my advisers will be directed to the attainment of this end, to which I attach the utmost importance. The evils consequent upon protracted sessions must have made themselves manifest to you. The utilisation of our Parliamentary system, and the consolidation of our Representative Institutions, largely depend upon such an achievement, and it is gratifying to have to observe that already you have in some of the measures passed by you greatly facilitated this object.

I would especially make mention of the Bill to regulate the Civil Service, as falling within the class to which I refer.

Delayed by causes to which it is unnecessary now to allude, this measure will become the more valuable from the serious and attentive consideration which it has received from you. It enables the Government to re-organize the entire staff of persons employed in the civil service upon a basis more suited to the present and prospective state of the public requirements, and it provides, upon equitable principles, for the appointment, classification, promotion, dismissal, and superannuation of officers. If it does not at once correct all the anomalies resulting from the system hitherto in operation, it affords ample opportunity of ultimately effecting all that may be desirable. I congratulate you upon the accomplishment of this long-expected and welcome reform. I anticipate from it the most favorable results. It will lessen the labors of the representatives, economise the revenue, give reasonable guarantees to officers who discharge their functions with fidelity and zeal, and subject the exercise of patronage to a well-regulated system.

I desire to convey my approval of the short but important measure passed to suspend the operation of certain enactments relating to the Registration and Collection of Parliamentary Votes for the present year. The wasteful expenditure hitherto charged upon the revenue for this purpose has now ceased; and I trust that, as self-government has been conceded to the inhabitants of this country in all its fullness, the primary duties of self-reliance will in future be recognised and accepted by the electors, instead of their placing, as heretofore, so large a dependance upon the Central Government for the exercise of functions which ought properly to devolve upon themselves.

The Bill to alter the sum appropriated to the payment of the Salary and Allowances of the Governor I have, as directed by the Constitution Act, reserved for the signification of Her Majesty's pleasure.

The Land question, which has so long impeded the way of practical reforms, is now settled on a basis calculated to command the assent and confidence of the country. The attainment of land fit for agricultural uses by the industrious population is now rendered as easy as in any country in the world, and the proposed expenditure of the land fund on local improvements, as well as in renewing the stream of immigrant labor, the cessation of which has so injuriously affected the public interest, will enable the business of farming to be undertaken hereafter under peculiarly favorable terms; and other branches of rural industry are encouraged by liberal concessions which must operate to strengthen and develop them. At the same time, the pastoral occupants have been relieved from a condition of uncertainty which hitherto paralyzed their enterprise, and are now enabled, for a fixed period, to prosecute their industry with renewed confidence. It has been wisely provided, however, that none of the public territory is placed beyond the control of Government. Should any necessity arise requiring its sale, that portion of it which will continue to be licensed for Pastoral occupation under the new Land Law will be open for sale, should the public interest require it, in the same manner in which all lands were sold before the passing of the Land Sales Act of 1860.

The holders of Occupation Licenses for agricultural purposes owe much to your timely intervention for the legal security now accorded them.

I trust that, as you have shown that one of the primary objects of legislation is to give security to property by the consolidation of our land system, our prosperity will henceforth be largely augmented, and that the important provisions of the new Bill will be impartially administered in the spirit in which they have been framed by you.

The Bill to regulate Distillation, deemed necessary for the purpose of protecting the revenue from illicit distillers, is expected, at the same time, to prove a timely supplement to the new Land Law, by increasing the demand for home-grown corn at a period when cultivation will necessarily increase, while its beneficial provisions are well calculated to aid in developing our great capabilities as a wine-growing country.

The sum set apart on this year's estimate for the introduction of immigrants enables the inhabitants, in anticipation of the more permanent provision for a like purpose in the Land Bill, to give effect to their laudable desire to bring their relatives and friends to this country, and the accession to our population of such a valuable element must be regarded with the greatest satisfaction. The proportion devoted to the payment of the passages of persons skilled in the making of high-class wines, the preservation and drying of fruit, and the manufacture of vegetable oils, will, I doubt not, conduce to the development of our industrial resources. All these efforts, wisely directed, are calculated to increase the stream of population to Victoria; and, judging by the comparative tables presented by the Census Returns, our material progress has been much checked by neglect of what should be a primary object in the art of colonization.

I have to congratulate you on the sale of the remaining first class debentures at a fair premium, and on the continued confidence of English capitalists in our securities. Had our debentures proved unsaleable, the colony must have suffered very great inconvenience and loss from the want of funds to carry on the important works which have been commenced and are now approaching completion.

The income arising from the sources of revenue which have been in existence, with very small variations during the last four years, has been insufficient to meet the expenditure. In the year 1861, the excess of expenditure over revenue was two hundred and forty-two thousand pounds. This was partly met, as a similar excess had been in preceding years, from a large surplus which was brought over from the year 1857. This surplus having been exhausted, it became necessary, in the present year, to equalize our revenue and expenditure. This has been accomplished, partly by reducing the expenditure, and partly by a modification and adjustment of the system of taxation.

The proposed expenditure for 1862 is less than that of 1861 by one hundred and eighty thousand pounds, and as there is a necessary increase in the Special Appropriations for 1862 of seventy-five thousand one hundred and thirty-four pounds, on account of the Railway Loan, the expenditure, exclusive of special appropriations, has been reduced by upwards of a quarter of a million.

In the imposition of new taxes, the object sought to be attained has been the assimilation of the tariff, as nearly as possible, to those of the neighbouring Colonies. This course has been adopted with the view to facilitate the establishment of a uniform tariff throughout Australia, and to avoid anything which was likely to interfere with the operations of commerce, or to deprive Victoria of the position she now occupies as an entrepôt for the trade of these portions of Her Majesty's dominions. In so doing, Parliament has, I think, rendered the burthen of taxation as light as the necessities of the State would permit during a period of unusual depression, which, I am thankful to say, is gradually passing away. The returns for the last two months show a marked increase in the revenue, particularly that derived from Customs duties, and afford reasonable grounds for the belief that with returning prosperity it will be found adequate to meet the necessary expenditure.

I regard with pleasure the abolition of Passenger Rates. They were imposed originally from a humane desire to devote the funds derivable from them in aid of charitable purposes, but especially for the unfortunate or distressed portion of that vast population which crowded our cities after the gold discoveries. Latterly they have been justly regarded as a source of irritation, and their entire abolition will be in accordance with the free character of our ports.

I rejoice, also, that you have not overlooked the complaints urged by the Chinese against the Residence Tax. The removal of this burthen, and the substitution of a milder law, which places them, in respect to internal taxation, on terms of equality with the rest of the population, will, I hope, be attended with good results.

The reduction of the Export Duty on Gold is a concession to the large class of persons engaged in mining pursuits, which you have deemed it right to make on account of the increasing expense at which the branch of industry followed by them has of late years been carried on.

You have also passed other measures which prove that you have not been unmindful of the interests of our Gold Fields population, but precluded, as you have been by your incessant labors during this session, from initiating and perfecting many laws in furtherance of the great and vital interests of the mining community, I propose to supplement your efforts in this respect by the appointment of a Royal Commission, whose powers and duties shall be carefully defined, and trust that their labors may prove of as great value as those of the Commission whose recommendations led to such great practical reforms in the year 1854.

The Bill for facilitating the Transfer of Land owes its origin to the complaints which have been so long and so generally raised of the expense connected with our present system of conveyancing. I trust that it may tend materially to remove the obstacles impeding the easy acquisition and disposal of landed property.

The Bill which has for its object the checking of Disease in Sheep will, it is to be hoped, prove a successful measure, and we may anticipate from its results that our supply of food will still be more plentiful than at present, and that a considerable increase will take place in the yield of wool, which, next to gold, is our principal article of export.

The Bill for the establishment of Common Schools, by abolishing the National and Denominational Boards and establishing a single Board of Education in their stead, is calculated to effect a considerable reduction in the expense of keeping up our educational establishments.

I deem it my duty to accede to the request recently made by the neighboring Government of South Australia, that a conference of representatives of the respective Australian Governments should be held in Melbourne on the subject of a uniform tariff for the whole group. I attach much importance to the proposal thus made, and I trust that favorable results may be anticipated from this conference.

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

On behalf of Her Majesty, I thank you for the readiness and liberality with which you granted supplies to meet the exigencies of the public service for the current year. I trust that every effort will be directed to keep our expenditure within our income, and that, under prudent management, the estimated deficit brought over from last year, of about one hundred and twenty-five thousand pounds will gradually be paid off without materially disturbing our financial arrangements.

HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL, AND GENTLEMEN OF THE
LEGISLATIVE ASSEMBLY :

Before closing this session, I feel specially bound to record my deep sense of the important achievement accomplished by means of the Exploration Expedition organized by your direction for crossing from South to North this vast continent. The stirring and romantic incidents connected with that enterprize, and the melancholy fate of the heroic leader, Mr. Burke, and his brave companion, Mr. Wills, were made known to you during your sittings. My warmest approbation is due to you for the manner in which you propose to commemorate the perseverance and self-sacrifice of these noble, but unfortunate, men, as well as for the generous provision which you have made where necessary for their relatives and for the faithful companion who survived them. They solved the problem so long veiled in mystery, and made known, for the interests of science and civilization, the capabilities of the interior. Their discoveries foreshadow the greatness of Australia, and Victoria may well pride herself on these imperishable results of her first efforts in exploration.

The Royal Commissioners delegated to represent your interests at the Great Industrial Exhibition sailed for London early in this year. I anticipate favorable results from their labors. The opportunity presented to them of exhibiting the varied articles indicative of the skill and enterprize of the inhabitants, the interest which must attach to the wonderful natural productions of this country, and the diffusion of reliable information from works of authority at such a period and under such favorable circumstances must prove highly beneficial. A full report of the Commissioners' proceedings will be laid before you when obtained, and I trust you will feel some gratification in contributing to swell that vast collection which will be representative of the genius and power of all civilized nations.

In dismissing you to your private business and your homes, I feel that it must be a source of the highest gratification to you to know that the personal sacrifice which you may have had to make in attending to the business of Parliament is compensated by the consciousness that your labors will be appreciated by your constituents, and the important series of legislative enactments which you have passed are of the highest value to the welfare of your country.

I now, in Her Majesty's name, declare this Parliament to be prorogued to the 23rd day of July, 1862.

(Signed) HENRY BARKLY,
Governor.

Which being concluded, a copy of the speech was delivered to the Acting President of the Council, and to Mr. Speaker, and the Legislative Assembly withdrew.
His Excellency the Governor left the Council Chamber.

CHARLES L. COMYNS,
Clerk of the Council and Clerk of the Parliaments.

SELECT COMMITTEES

APPOINTED DURING THE SESSION 1861-2.

No. 1.—ADDRESS IN REPLY TO GOVERNOR'S SPEECH.

Appointed (by Ballot) 3rd September, 1861.

The Hon. Dr. Wilkie	The Hon. G. Rolfe
T. H. Fellows	J. B. Bennett
W. Hull	W. H. F. Mitchell.
T. H. Power	

No. 2.—ELECTIONS AND QUALIFICATIONS.

Appointed (by Acting President's Warrant) 4th September, 1861.

The Hon. John Barter Bennett	The Hon. James Stewart
William Degraives	Joseph Sutherland
James Henty	David Elliot Wilkie, M.D.
Thomas Herbert Power	

No. 3.—REFRESHMENT ROOMS (JOINT COMMITTEE).

Appointed 4th September, 1861.

The Hon. S. G. Henty	The Hon. B. Williams
A. Fraser	W. Highett
J. Stewart	W. Hull.*

* Appointed 25th February, 1862, *vice* Hon. A. Fraser, absent on leave.

No. 4.—STANDING ORDERS.

Appointed 4th September, 1861.

The Hon. The Acting President	The Hon. F. Robertson
T. H. Fellows	T. T. a'Beckett.
G. Rolfe	

No. 5.—PARLIAMENT BUILDINGS (JOINT COMMITTEE).

Appointed 4th September, 1861.

The Hon. The Acting President	The Hon. W. H. F. Mitchell
G. W. Cole	J. F. Strachan.
G. S. Coppin	

No. 6.—LIBRARY (JOINT COMMITTEE).

Appointed 4th September, 1861.

The Hon. The Acting President	The Hon. T. H. Power
J. P. Fawcner	W. Hull*
J. B. Bennett	Dr. Wilkie (<i>Mover</i>).

* Appointed 11th June, *vice* Hon. J. B. Bennett, absent on leave.

No. 7.—PRINTING.

Appointed 4th September, 1861.

The Hon. The Acting President R. Thomson C. Vaughan		The Hon. W. Degraives Dr. Hope.
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No. 8.—OCCUPATION LICENCES—(ADDRESS TO GOVERNOR).

Appointed (by Ballot) 25th September, 1861.

The Hon. J. B. Bennett T. H. Fellows W. H. F. Mitchell Dr. Hope		The Hon. Dr. Wilkie S. G. Henty F. Robertson.
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No. 9.—ORDER OF COURT OF MINES, BALLAARAT.

Appointed 26th September, 1861.

The Hon. Dr. Wilkie W. H. F. Mitchell T. H. Power J. B. Bennett		The Hon. W. Highett W. Hull T. H. Fellows (<i>Mover</i>).
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No. 10.—ADMISSION OF BARRISTERS BILL.

Appointed 4th February, 1862.

The Hon. G. S. Coppin G. Rolfe T. T. a'Beckett W. H. F. Mitchell		The Hon. W. Hull J. P. Fawkner T. H. Fellows (<i>Mover</i>).
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No. 11.—ADDRESS OF CONDOLENCE ON DEATH OF PRINCE CONSORT.

Appointed 18th March, 1862.

The Hon. T. H. Power J. P. Fawkner H. Miller		The Hon. T. H. Fellows W. H. F. Mitchell (<i>Mover</i>).
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No. 12.—FORTIFICATIONS AND DEFENCE OF HARBOR.

Appointed 21st May, 1862.

The Hon. J. F. Strachan W. Hull G. W. Cole		The Hon. F. Robertson, J. P. Fawkner (<i>Mover</i>).
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VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1861-2.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

TUESDAY, 29TH APRIL, 1862.

No. 1.—GOLD EXPORT DUTY ACT AMENDMENT BILL.—Proposed new Clause III.—This Act shall continue in force for the term of two years next after the first day of July One thousand eight hundred and sixty-two and no longer.

Motion made and question put—That this Clause stand part of the Bill.—(*Honorable J. P. Fawkner.*)

Committee divided.

Contents, 9.
The Hon. N. Black
T. H. Fellows
W. Degraives
G. W. Cole
J. P. Fawkner
T. H. Power
Dr. Hope
W. Highett
Dr. Kennedy (*Teller.*)

Not Contents, 12.
The Hon. S. G. Henty
J. Henty
J. F. Strachan
W. H. F. Mitchell
W. Hull
H. Miller
B. Williams
G. Rolfe
J. McCrae
G. S. Coppin
F. Robertson
T. T. a'Beckett (*Teller.*)

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1861-2.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

TUESDAY, 13TH MAY, 1862.

No. 1.—CROWN LANDS SALE AND OCCUPATION BILL.—Clause XXXVIII.—There shall be appropriated to the purposes of assisted immigration into Victoria in every year after the thirty-first of December One thousand eight hundred and sixty-two “*one-fourth*” of the net moneys received in such year from the sale or the leasing of land or from licences for the use thereof under this Act and the Governor in Council may from time to time make regulations for promoting and directing such immigration which regulations shall be first submitted to both Houses of Parliament but the division of the said moneys shall be made in such a manner that the immigrants shall be selected during the first nine months of the year from England Scotland Ireland and Wales in proportion to the population of such countries respectively according to the last Census for the time being.

Motion made—That the word “*one-fourth*,” in the third line of the above clause, be struck out, with a view to insert the word “*one-half*.”—(*Hon. J. P. Fawcner.*)

Question—That the word proposed to be omitted stand part of the Bill.—put.
Committee divided.

Contents, 18.
The Hon. J. F. Strachan
J. Henty
S. G. Henty
W. H. F. Mitchell
C. Vaughan
T. H. Power
B. Williams
G. W. Cole
H. Miller
W. Hull
W. Degraives
W. Highett
Dr. Hope
D. Kennedy
F. Robertson
Dr. Wilkie
G. S. Coppin
T. H. Fellows (*Teller.*)

Not Contents, 3.
The Hon. J. P. Fawcner
J. McCrae
G. Rolfe (*Teller.*)

No. 2.—CROWN LANDS SALE AND OCCUPATION BILL.—Clause XLVI.—Notwithstanding anything hereinbefore contained the Governor in Council may withdraw from sale as being auriferous or mineral or as having a water frontage or as being in other respects improper either at that time or generally to be sold any land about to be selected rented or purchased.

Motion made—That the words “*and no land shall be leased or purchased within one hundred feet of high water mark of any navigable river bay or coast,*” be added at the end of the clause.—(*Hon. J. P. Fawkner.*)

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

Committee divided.

Contents, 6.
The Hon. F. Robertson
Dr. Wilkie
J. P. Fawkner
D. Kennedy
G. Rolfe
G. W. Cole (*Teller*).

Not Contents, 15.
The Hon. H. Miller
W. Degraives
T. T. a'Beckett
T. H. Power
J. Henty
S. G. Henty
C. Vaughan
W. H. F. Mitchell
W. Hull
Dr. Hope
W. Highett
B. Williams
G. S. Coppin
T. H. Fellows
J. F. Strachan (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1861-2.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

TUESDAY, 20TH MAY, 1862.

No. 1.—CROWN LANDS SALE AND OCCUPATION BILL.—Clause LXIV.—In the following sections of this Act the following expressions shall have the meanings hereinafter assigned to them that is to say—

The word “cattle” shall mean and include horses mares geldings colts fillies asses mules cows oxen heifers steers calves and shall apply to any one or more animal or animals of the said several kinds.

The words “gold field” shall mean those parts of the Crown lands upon which any persons are actually engaged in mining for gold and which the Governor in Council shall by metes and bounds proclaim to be a gold field.

Motion made and question put—That the Chairman report progress and ask leave to sit again this day week.—(*Hon. J. P. Fawcner.*)
Committee divided.

Contents, 9.
The Hon. G. W. Cole
D. Kennedy
F. Robertson
Dr. Wilkie
J. Stewart
Dr. Hope
J. McCrae
J. P. Fawcner
W. Degraives (*Teller*).

Not Contents, 12.
The Hon. T. T. a'Beckett
H. Miller
T. H. Power
W. H. F. Mitchell
S. G. Henty
J. Henty
B. Williams
W. Hull
G. S. Coppin
W. Highett
C. Vaughan
J. F. Strachan (*Teller*).

THURSDAY, 22ND MAY, 1862.

No. 2.—CROWN LANDS SALE AND OCCUPATION BILL.—Clause LXIV.—In the following sections of this Act the following expressions shall have the meanings hereinafter assigned to them that is to say—

The word “cattle” shall mean and include horses mares geldings colts fillies asses mules cows oxen heifers steers calves and shall apply to any one or more animal or animals of the said several kinds.

The words “gold field” shall mean those parts of the Crown Lands upon which any persons are actually engaged in mining for gold and which the Governor in Council shall by metes and bounds proclaim to be a gold field.

Motion made and question put—That the Chairman report progress and ask leave to sit again on Tuesday next.
Committee divided.

Contents, 9.
The Hon. W. Degraives
G. Rolfe
F. Robertson
D. Kennedy
Dr. Wilkie
J. Stewart
J. McCrae
J. P. Fawkner
G. W. Cole (*Teller*).

Not Contents, 12.
The Hon. T. H. Fellows
H. Miller
W. H. F. Mitchell
T. H. Power
B. Williams
G. S. Coppin
T. T. a'Beckett
W. Highett
W. Hull
J. Henty
S. G. Henty
J. F. Strachan (*Teller*.)

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1861-2.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

TUESDAY, 3RD JUNE, 1862.

No. 1.—CIVIL SERVICE BILL.—Clause XL.—Any officer who at the time of the passing of this Act has attained or within ten years thereafter shall have attained the age of sixty years if or as soon as he shall have been ten years in the Civil Service of Victoria or of the district of Port Phillip or of both and if he has not received any other compensation or retiring allowance in respect of such service shall retire from active service on an annual allowance of half of the average annual salary received by him during the two years preceding his superannuation.

Motion made—That the following words be inserted at the end of the clause—“*Provided that if after the assignment of any such retiring allowance any such officer shall accept any new appointment under the Crown within Victoria or elsewhere his retiring allowance shall during the tenure of such appointment merge or be reduced pro tanto according as the salary or emoluments of any such new appointment are in amount equal to or less than the retiring allowance of such officer.*”—(Hon. J. P. Fawkner.)

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

Committee divided.

Contents, 3.
The Hon. G. Rolfe
J. P. Fawkner
T. H. Power (*Teller*).

Not Contents, 7.
The Hon. J. Henty
W. H. F. Mitchell
T. T. a'Beckett
J. F. Strachan
W. Hull
W. Highett
T. H. Fellows (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1861-2.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 5.

Extracted from the Minutes.

FRIDAY, 13TH JUNE, 1862.

No. 1.—COMMON SCHOOLS BILL.—Clause X.—No new school not being an infant school shall receive aid from the consolidated revenue which shall be established within “two miles” of a school already receiving aid from the consolidated revenue unless there shall be such a number of pupils not being pupils of the first school whose parents shall undertake in writing that they shall attend the proposed school as with the average number of pupils in attendance for six months at the school already receiving aid shall amount to two hundred unless some natural obstacle shall intervene between the two schools which shall prevent the attendance of the pupils at such other school or unless one of the two schools shall be for boys alone and the other for girls alone. Provided that no school shall be an infant school within the meaning of this clause unless all the pupils be under the age of eight years.

Motion made—That the words “two miles,” in the second line of the above clause, be struck out, with a view to insert the following words—“one mile.”—(Hon. T. H. Fellows.)

Question—That the words proposed to be omitted stand part of the Bill—put.
Committee divided.

Contents, 11.
The Hon. G. Rolfe
J. P. Fawcner
J. Henty
Dr. Hope
F. Robertson
The Acting President
Dr. Wilkie
J. McCrae
W. Degraives
G. S. Coppin
T. H. Power (*Teller*).

Not Contents, 9.
The Hon. J. F. Strachan
S. G. Henty
H. Miller
W. H. F. Mitchell
B. Williams
W. Hull
T. T. a'Beckett
W. Highett
T. H. Fellows (*Teller*).

No. 2.—RAILWAY LOAN BILL.—Clause I.—It shall be lawful to repair improve and put into good order that portion of the line of railway between Melbourne and Geelong lying between the point known as the Geelong junction and the town of Geelong and also the branch railway from Geelong to the harbor and to make improvements at and additions

to the station at Geelong and to make a railway jetty at Geelong and to construct other necessary works in connection with the said railway from Melbourne to Geelong and to make and maintain a deviation from the said line of railway between Melbourne and Geelong upon the lands described in the first schedule to this Act annexed and delineated in the plans deposited with the clerk of the Legislative Council and with the clerk of the Legislative Assembly and all proper works and conveniences in connection therewith and to make and maintain a junction line of railway between the railway from Melbourne to Geelong and the railway from Geelong to Ballarat upon the lands described in the second schedule to this Act annexed and delineated in the plans deposited with the clerk of the Legislative Council and with the clerk of the Legislative Assembly and all proper works and conveniences in connection therewith and to enter upon take and use all such land as shall be necessary for or in connection with any of the purposes hereinbefore mentioned.

Motion made and question put—That the Chairman report progress and ask leave to sit again on Monday.—(*Hon. J. P. Fawcner.*)

Committee divided.

Contents, 3.
The Hon. J. P. Fawcner
T. H. Power
G. Rolfe (*Teller*).

Not Contents, 11.
The Hon. T. T. a'Beckett
T. H. Fellows
W. H. F. Mitchell
S. G. Henty
J. McCrae
J. Henty
B. Williams
G. S. Coppin
Dr. Hope
F. Robertson
J. F. Strachan (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1861-2.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 6.

Extracted from the Minutes.

TUESDAY, 17TH JUNE, 1862.

No. 1.—MEDICAL PRACTITIONERS BILL.—Preamble.—Whereas it is expedient to amend the law relating to the qualification of medical witnesses on coroners' inquests and other inquiries Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say)—

Motion made and question put—That the Chairman do leave the Chair.—(*Hon. T. H. Power.*)

Committee divided.

Contents, 3.
The Hon. J. P. Fawcner
T. H. Power
G. Rolfe (*Teller*).

Not Contents, 12.
The Hon. T. T. a'Beckett
B. Williams
Dr. Wilkie
W. H. F. Mitchell
T. H. Fellows
W. Hull
F. Robertson
J. Stewart
J. McCrae
G. S. Coppin
W. Highett
J. F. Strachan (*Teller*).

No. 2.—MEDICAL PRACTITIONERS BILL.—Clause XIV.—Nothing in this Act shall be construed to apply to or interfere with any person who can prove to the satisfaction of the medical board of Victoria that he has passed through a regular course of medical or surgical instruction and has practised regularly in Victoria since the first day of January One thousand eight hundred and fifty-three notwithstanding that such person may never have received a diploma license or certificate entitling him to practise medicine or surgery or both nor shall anything in this Act be construed to infringe on the rights and privileges hitherto enjoyed by chemists and druggists or dentists.

Motion made and question put—That the above clause be struck out.—(*Hon. G. Rolfe.*)
Committee divided.

Contents, 5.
The Hon. T. H. Fellows
J. P. Fawcner
T. T. a'Beckett
T. H. Power
G. Rolfe (*Teller*).

Not Contents, 10.
The Hon. B. Williams
Dr. Wilkie
W. H. F. Mitchell
J. McCrae
J. Stewart
W. Hull
G. S. Coppin
W. Highett
F. Robertson
J. F. Strachan (*Teller*).

1861-2.

VICTORIA.

DEFENCES OF THE COLONY.

REPORT OF CAPTAIN SCRATCHLEY, R.E., OF 26TH NOVEMBER, 1861.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE W. H. F. MITCHELL, AND ORDERED
BY THE COUNCIL TO BE PRINTED 4TH FEBRUARY, 1862.

Head Quarters, Melbourne,
28th November, 1861.

SIR,

I have the honor to enclose for the consideration of Your Excellency and the Government a letter received from Captain Scratchley, Com. R. Engineers, and to request that the necessary steps may be taken to place the sum of £6,000 on a supplementary Estimate for this year, as without this the Defences are unable to be proceeded with, and a further sum of £10,712 14s. on the Estimates for next year, for the same purpose. With reference to the last paragraph of the letter, the Defence Commission has already been convened on Monday next to consider the subject, the result of which will be communicated to Your Excellency.

I have the honor to be,
Your Excellency's most obedient Servant,
(Signed) T. S. PRATT,
Major-General Commanding.

To His Excellency the Governor.

[MEMORANDUM.]

61 | 742.

Commanding Royal Engineer's Office,
Melbourne, 26th November, 1861.

1. The Vote for Defences for 1861, amounting to £10,000, having been expended, I beg to submit a report of the expenditure, and to forward an explanatory sketch of the position of the various works executed.

2. The following works have been completed and are ready for armament at Sandridge :—

Two practice batteries (A and B on plan) to be armed with four 32-pounders, on wooden garrison standing carriages—(A has stone ground platforms and B wooden ones).

A L.

3. An emplacement for three or four guns has been completed at Sandridge, situated near the sugar factory, and marked C on plan.

It is not recommended to arm this emplacement.

4. The following works have been pushed on a stage and commenced, but are not ready for their armaments, for the reasons stated opposite to each in succession—(written in red*) :—

At Sandridge—(D on plan)—

(1.) Three-gun battery for 68-pounders, with the necessary stores and magazines completed ; *but the battery requires the foundations for the racers of the traversing platforms on which the guns are to be mounted.*

(2.) Three-gun battery (E on plan) for 68-pounders, with the necessary stores and magazines completed ; *but the battery requires the foundations for the racers of the traversing platforms, on which the guns are to be mounted.*

(3.) Three-gun battery (F on plan) for 68-pounders, with necessary stores completed ; *but requiring the foundations for the racers of the traversing platforms on which the guns are to be mounted, and a magazine and shell-room.*

5. At Williamstown—

(1.) Six-gun battery (G on plan) on Railway Breakwater Pier, for 68-pounders, to be mounted on naval pivot slides.

The racers for these slides, a magazine, shell-room, and store-room, are required to complete the battery.

(2.) Eight-gun battery (H on plan) for 68-pounders, with the necessary magazine completed ; *but requiring an artillery store, and foundations for the racers of the traversing platforms on which the guns are to be mounted.*

(3.) Four-gun battery (I on plan) for 68-pounders.

This battery was included in the contract for the construction of battery marked H on plan ; but cannot be proceeded with, owing to a want of funds, the whole of the vote having been expended.

The cost of constructing this battery, or rather, of completing it in the same contract, will be £2,586 (which amount is the difference between the total contract price and the sum left upon the vote unappropriated and available).

This amount would not, however, include the cost of constructing the foundations for the racers of the traversing platforms on which the guns are to be mounted.

6. In recapitulation, therefore, the only works completed are :—Two practice batteries (A and B on plan) and an emplacement (C on plan) at Sandridge, with a total armament of eight 32-pounders.

7. And batteries D, E, F, G, H, I (on plan), with an aggregate armament of twenty-seven guns, cannot be completed, owing to a want of funds.

8. Fifteen of the guns for these batteries have arrived per *Maria*, and the remaining fifteen (thirty having been ordered) may be daily expected.

9. In a memorandum, No. 61 | 584, dated 28th August, 1861, submitted for the consideration of the Major-General, I recommended that provision should be made upon the Estimates for 1862 for an expenditure of £14,126, the cost of certain new works, and the maintenance of existing works. In that amount were included the sums required to mount the thirty 68-pounders from England, and the following new works :—

At Sandridge and Williamstown—

Three-gun battery, two emplacements for guns for the interior defence of the harbor of Hobson's Bay, improvements of communication between batteries.

At Queenscliff—

Additions to sea wall.

10. As the contracts for batteries H and I (on plan) exceeded the balance available on the vote for 1861 by £2,586, this sum will have to be added to the £14,126 recommended by me in my former memorandum, giving a total of £16,712 14s. now required to be placed on the Estimates for defences for 1862.

11. If that sum be placed on the Estimates, and expended as I propose, Hobson's Bay will be defended by thirty-eight guns (thirty of them being 68-pounders, the others 32-pounders), distributed in nine batteries—five on the Sandridge side and four on the Williamstown side. In addition, there will be three emplacements for guns, which could in time of war, and at a moderate expense, be converted into powerful batteries.

12. Should the sum of £16,712, however, not be placed upon the Estimates, the works which have already been commenced will be *totally useless as means of defence ; because, after the expenditure of the vote for 1861, they still remain incomplete, and the guns cannot be mounted in them.*

* The italicised passages are those written in red in the original.

13. I should here remark that none of the 68-pounders from England can be mounted, without the money required to prepare the foundations for the racers of the traversing platforms. The cost of doing this I estimate at £6,000, and authority for that expenditure should be obtained with as little delay as possible by a supplementary vote this year.

14. It must be clearly understood that not a single gun can be mounted or made use of at present, because the vote for this year has been expended.

15. The following sums, therefore, are required :—

		£	s.	d.
Without delay...	...	6,000	0	0
In April	...	10,712	14	0
		<hr/>		
TOTAL	...	£16,712	14	0

16. I cannot conclude without representing to the Major-General the very unsatisfactory condition in which matters connected with the defences now are.

No regular scheme for the defence of the port has as yet been decided upon.

Instead of the Government inquiring what amount is required for the defences, small sums have been placed upon the Estimates, apparently without consideration, and I have received no definite instructions as to the manner in which those sums were to be expended.

It is owing to this system of voting sums of money for defensive works, without regard to any general scheme of defence, and in opposition to my repeated representations, that I now have to report that not a single gun can be mounted, although, inclusive of the pay of the detachment of Royal Engineers, more than £22,000 have been expended upon defensive works alone.

17. I therefore deem it my duty again to urge the immediate consideration of the whole question.

18. I am prepared to submit for approval a scheme of defensive works which will be more in accordance with the present condition of the finances of the colony than any that has heretofore been transmitted for consideration.

To enable me, however, to do so, the following points will have to be decided by the Government :—

- 1st. The nature of the attacks against which the colony is to be protected.
- 2nd. The force of regular and volunteer troops it is proposed to maintain.
- 3rd. The maximum expenditure it is proposed to incur in constructing the works, in obtaining their armament, in providing the necessary munitions of war, and accommodation for the *personnel* and *matériel* required for the whole scheme.
- 4th. What amount can annually be expended in keeping up the scheme of defence.

(Signed) P. H. SCRATCHLEY,
Captain R.E., commanding Royal Engineers.

The Deputy Adjutant-General,
&c. &c. &c.
Melbourne.

[Here follows Photo-lithographed Chart.]

1861-2.

VICTORIA.

OFFICIALS IN PARLIAMENT ACT.

COPY of a Despatch from the Secretary of State and Enclosures relative to the Officials in Parliament Act.

LAI'D ON THE TABLE OF THE LEGISLATIVE COUNCIL BY THE HONORABLE DR. WILKIE,
24TH SEPTEMBER, 1861, AND ORDERED BY THE COUNCIL TO BE PRINTED
25TH FEBRUARY, 1862.

[COPY.]

(No. 17.)

Downing street,
12th August, 1859.

SIR,

I have received your despatch of the 16th of March last, No. 28, forwarding, with your explanations upon the same, an authenticated copy of a Bill passed by the Legislative Council and Assembly of Victoria, and reserved by you for the signification of Her Majesty's pleasure thereon, entitled, "*An Act to limit the number of persons holding offices under the Crown who may sit and vote in the Legislative Council and Assembly of Victoria,*" and I transmit to you herewith an Order of the Queen in Council confirming the above Act.

You will take such measures as may be necessary for giving effect to Her Majesty's assent to this enactment.

In connection with this Act, I likewise enclose for your information a copy of the Report 21st June, 1859. which was made by the Law Officers of the Crown in reply to the reference which was addressed to them upon the subject.

I have, &c.,

(Signed)

NEWCASTLE.

Governor, Sir H. Barkly, K.C.B.,
&c., &c., &c.

[COPY.]

At the Court at Osborne House, Isle of Wight, the 29th day of July, 1859.

Present:

The Queen's Most Excellent Majesty.

His Royal Highness the Prince Consort
Lord President
Duke of Somerset
Lord Steward

Earl of Elgin
Lord John Russell
Lord Chamberlain
Sir George Grey, Bart.

WHEREAS by an Act passed in the fifth and sixth years 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 no Bill which shall be reserved for the signification of Her Majesty's pleasure thereon, shall have any force or authority within the Colony of New South Wales until the Governor of the said Colony shall signify, either by speech or message to the Legislative Council of the said Colony, or by proclamation as therein aforesaid, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same:

And whereas by another Act passed in the thirteenth and fourteenth years 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 the said former Act concerning the reservation of Bills for the signification of Her Majesty's pleasure thereon, should apply to and be in force in the Colony of Victoria:

And whereas the said provisions were 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 eighteenth and nineteenth years 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 24th February, 1859, the Governor of the said Colony of Victoria reserved a certain Bill passed by the Legislative Council and Legislative Assembly of the said Colony, entitled, "*An Act to limit the number of persons holding Offices under the Crown who may sit and vote in the Legislative Council and Assembly of Victoria,*" for the signification of Her Majesty's pleasure thereon :

And whereas the said Bill so reserved as aforesaid has been laid before Her Majesty in Council, and it is expedient that the said Bill should be assented to by Her Majesty :

Now, therefore, Her Majesty, in pursuance of the said Acts, and in exercise of the powers thereby reserved to Her Majesty as aforesaid, doth by this present Order, by and with the advice of Her Majesty's Privy Council, declare her assent to the said Bill.

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.

(Signed)

WM. L. BATHURST.

The Law Officers to Sir E. B. Lytton.

[COPY.]

Temple, 21st June, 1859.

SIR,

We are honored with your commands, signified in Mr. Merivale's letter of the 9th June instant, in which he stated that he was directed by you to request that we would favor you with our opinion on the following question :—

The Colonial Act to establish a "Constitution in and for the Colony of Victoria," which is set forth in the first schedule to the Imperial Act 18 and 19 Victoria, cap. 55, makes the following provisions by its 60th and 61st sections :—

"LX. The Legislature of Victoria as constituted by this Act shall have full power and authority from time to time by any Act or Acts to repeal alter or vary all or any of the provisions of this Act and to substitute others in lieu thereof provided that it shall not be lawful to present to the Governor of said Colony for Her Majesty's assent any Bill by which an alteration in the constitution of the said Legislative Council or Legislative Assembly in the said schedule hereunto annexed marked D may be made unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members of the Legislative Council and of the Legislative Assembly respectively Provided also that any Bill which shall be so passed shall be reserved for the signification of Her Majesty's pleasure thereon."

"LXI. Notwithstanding anything herein contained it shall be lawful for the said Legislature from time to time by any Act or Acts to alter the qualification of electors and members of the Legislative Council and Legislative Assembly respectively."

Mr. Merivale was also pleased to state that a Bill has recently been passed by the Council and Assembly of Victoria, intituled, "*An Act to limit the number of persons holding Offices under the Crown who may sit and vote in the Legislative Council and Assembly of Victoria,*" which declares in effect that, with certain exceptions therein mentioned, no person holding office under the Crown, or who shall perform any duty, or transact any business for the Crown, in expectation of any fee, gain, or reward, or shall be interested in any contract or bargain with the Crown, shall be eligible to sit in either House of Parliament.

Mr. Merivale was also pleased to state, that a doubt having arisen whether, in spite of the 61st clause of the Constitution Act, the Legislature of Victoria is, by the 60th clause of the same Act, precluded from making the provisions above described, otherwise than with the concurrence of an absolute majority of both branches of the Legislature, and by a Bill reserved for the signification of Her Majesty's pleasure, and that the Colonial Attorney-General having differed on this point from the Solicitor-General, and also enclosing a copy of the Bill, the opinion of both Law Officers, and the covering despatch of the Governor, which are annexed, you were desirous of being informed whether, in our opinion, the Legislature of Victoria can lawfully enact the provisions contained in the above-mentioned Bill, without observing the conditions imposed on the Legislature by the 60th clause of the Constitutional Act in respect of Bills altering the constitution of the Legislative Council or Legislative Assembly.

In obedience to your commands, we have taken these papers into our consideration, and have the honor to report—

That we are of opinion that the Legislature of Victoria may lawfully enact the provisions contained in the above-mentioned Bill, without observing the conditions imposed by the 60th clause of the Constitution Act. The measure in question does not appear to us to alter the constitution of the Legislative Council, and although it does affect the qualification of the members of the Council, it is in that respect within the express terms of the 61st section of the Act to establish the Constitution.

We have, &c.,

(Signed)

FITZROY KELLY.
HUGH M. CAIRNS.

The Right Honorable Sir E. B. Lytton, Bart.,
&c., &c., &c.

VICTORIA.

MEMORANDA PREPARED BY COMMISSION ON SOUTH
AUSTRALIAN REAL PROPERTY ACT.

LAI'D UPON THE TABLE OF THE LEGISLATIVE COUNCIL BY THE HON. W. H. F. MITCHELL,
21st JANUARY, 1862, AND ORDERED TO BE PRINTED (FIRST PRINTING REPORT), 1862.

MEMORANDA BY REAL PROPERTY LAW COMMISSION.

MEMORANDA upon the BILL to amend the REAL PROPERTY ACT of 1860, as agreed to at a MEETING
of the COMMISSION, held 7th OCTOBER, 1861; HON. G. M. WATERHOUSE in the chair.

Section 5. Removal and appointment of Officers—

The nature of the duties imposed upon certain officers named in this section appears to the
Commission to warrant that their tenure of office should be during good conduct.

Sections 7 and 8. Acting Registrar-General—

It is thought desirable that the Government should have the authority of law for appointing an
officer who may be the Deputy-Registrar, to act in the absence of the Registrar-General in the special
matters of signing grants, and sitting as Lands Titles Commissioner. The intention of these clauses
being to settle doubts which have been raised respecting the validity of grants when signed by the
Deputy Registrar-General.

Section 12. Clause 5. Power to the Registrar to enter caveats in certain cases—

The Commission find it necessary that the provision clause (5) of section 11 of the existing Act
should be extended so as to cover the case of misdescription of the parcels of land, and of boundaries,
as the title to lands erroneously included in such description becomes indefeasible upon the first
transfer, and it is desirable to empower the Registrar-General to interfere for the prevention of that
contingency, whenever the error in description becomes known to him.

Sir Hugh Cairns and Mr. Thrupp, in an opinion recently published, have pronounced this
provision to be impolitic and repugnant to the law of England. Considering that this power can only
be exercised for the protection of incapable persons, for the prevention of fraud, or correction of error;
considering also that any caveat lodged by the Registrar-General under such circumstances may be
removed by order of the Supreme Court or of a judge thereof, to be granted upon application in a
summary way, and therefore, that any inconvenience that might possibly arise through abuse of this
power by the Registrar-General would amount to the delay of a week or two, and no more, the
Commission cannot perceive any grounds for pronouncing this provision either "impolitic" or
"repugnant."

The case submitted to Sir Hugh Cairns, upon which this opinion was founded, has not been
made public, and the Commissioners conjecture that in it may be found alleged, in support of this
objection, grounds which this Commission are unable to perceive in the Act itself.

Section 13. Lands alienated from the Crown—

The Commission are agreed that in some cases it may convenience parties purchasing disused
roads to have their titles under the old law; but the Commission desire it to be understood, that they
do not attach to this alteration any such importance as to allow it to remain, if, as they are given to
understand, it would interfere with the working of a measure proposed by the Attorney-General for
cheapening and simplifying proceedings relating to the granting of disused roads, &c.

Section 15, and Schedule A. Application to bring land under the provisions of the Act—

The Commission find that it has been a regulation in the Lands Titles Office to demand of
applicant proprietors a declaration that all deeds in their possession or under their control have been
surrendered, and that the names and addresses of owners and occupiers of lands having boundaries
contiguous to that which is the subject of application are correctly given.

The Commission consider that this practice, hitherto under authority of the general powers given
to the Registrar (section 11), should be made incumbent on that officer by express direction.

In this clause, read in conjunction with sections 19th, 20th, 21st, and 129th, a new provision will be found empowering the applicant proprietor to direct the service of notice personally upon a named party, and barring from recovery of compensation, either from the assurance fund or from the registered proprietor, any person who, having notice of application to bring land under the Act, omits to caveat.

Sections 16 to 18. Applications, how dealt with—

A clerical error, substituting the word "and" for "or," in the existing Act, section 18, affords grounds for questioning the authority of the Lands Titles Commission to deal with a large class of cases.

This error is corrected, and the intention more clearly expressed in the three clauses proposed to be substituted for the 18th of the existing Act.

Section 30. Reversion expectant on lease not extinguished—

This Section is new. It is designed to settle a doubt that might possibly be raised respecting the effect produced by change of tenure from that under the old system to that under the new.

Section 54. Power to sell when mortgagor is in default—

The attention of the Commission having been called by one of the witnesses examined to the omission of the words "or owing," after the word "due," in the latter part of the corresponding section of the existing Act, that omission is supplied.

Section 66. Instrument declaring Trusts, &c.—

The separate schedule for nomination of trustees is proposed to be discontinued, as the memorandum of transfer is found sufficient for every purpose.

Section 76. Mortgagee of insolvent lessee may be entered as transferee of lease—

The nature of the interest acquired by a mortgagee under the Real Property Act renders the provision contained in this section essential for the security of the mortgagee of leasehold estate. The omission of this provision is a defect in the existing Act.

Sections 79, 80. Transmission of freehold by will or intestacy—

The responsibility of determining who shall be registered as heir-at-law or devisee is, under these clauses transferred from the Supreme Court to the Lands Titles Commissioners. The great expense attendant on applications to the Supreme Court in cases of this nature, under the existing Act, has rendered this change almost imperative. After full consideration of the question, the Commissioners are unable to find any valid reason why the onus should not be thrown upon the Lands Titles Commissioners in this case, as it already devolves upon them in cases in which lands derived by transmission are the subject of application to bring the same under the provisions of the Act.

Section 86. Proprietor may vest estate jointly in himself and others without limiting use or executing assignment—

A new provision is here introduced enabling a registered proprietor to reduce himself to the position of tenant for life, and settle the reversion and remainder without the intervention of trustees; as a registered proprietor may settle his estate by will, it would seem unreasonable to leave him under the disability of doing this during his lifetime, as is the case under the existing Act.

Section 88. Registration of survivor of joint proprietors—

The provisions of the existing Act herein are expressed in a more explicit manner, and enlarged so as to cover the case of tenant by the courtesy.

Section 93. Production of duplicate instruments, when dealing is about to be registered, may be dispensed with—

The power given under the corresponding section of the existing Act has been objected against, as endangering the security of persons who advance money on deposit of title deeds.

The Commission have given to this objection very serious consideration. They find the power essential to the working of the system, and consider that the requirement for publication of fourteen days' notice, which they propose to add to the provision in the existing Act, affords reasonable protection against fraud of the nature referred to.

In considering this question, it must be borne in mind, that an equitable mortgagee under the Act can always secure himself by lodging caveat.

Section 97 and Schedule N—

An additional safeguard against personation and forging is provided by adding to the certificate of the Justice the words "a person known to me and of good repute."

Section 101. Dealing may be registered prior to issue of grant from the Crown—

The provision contained in this section is new; it is designed to obviate the inconvenience and risk, much complained of, to which persons dealing are at present exposed, during the interval which elapses between the payment of purchase money to the Crown and the issue of the grant.

Section 112. Power to Registrar to state case for decision of the Supreme Court—

This provision is new; it supplies a requirement which experience has shown to be needed.

Sections 117 to 121. Recovery of possession—

The provisions contained in these clauses are the same as those of the Local Courts Act, recently under discussion in the Houses of Parliament, except that no limit is given to the jurisdiction. It is felt that titles to land are so simplified by the system of registration of title, that, so far as regards legal difficulties, the Local Courts will be fully competent to deal with the class of cases which these clauses direct shall be referred to them; and, as regards amount, it is to be observed that under these provisions no sums other than the fees of Court will come into the hands of the Clerks of Courts.

Owing to the change in the nature of the estate acquired by mortgagees under the Real Property Act, the provisions of the Local Courts Bill, before referred to, would not be applicable to cases of ejectment between mortgagor and mortgagee.

Sections 122, 123. Foreclosure—

The alteration in the nature of the estate held by a mortgagee, introduced under the Real Property Act, renders the form of procedure hitherto followed in the case of foreclosure inapplicable, and admits of the more simple and economical procedure prescribed in these sections.

When, as in this case, no question of law can be raised, and all that is needful for the prevention of fraud or injustice is the proof of service of notices and of certain prescribed advertisements, the functions imposed are ministerial, not judicial, and may appropriately be delegated to the Lands Titles Commissioners and Registrar-General.

Section 124. Certificates of title in certain cases to be signed in a place open to the public, after notice—

Although under provisions of the existing Act great publicity is given to the applications for bringing land under its operation, and to the directions of the Lands Titles Commissioners thereon, in order that persons interested may have ample opportunity, by caveat, to raise a question against the title and to remove the application from the Lands Titles Office, the functions of which are administrative, to the Supreme Court for judicial investigation, yet the opponents of the measure dwell much upon the alleged secrecy of the proceeding.

The Commission are unable to perceive any grounds for this objection; nevertheless they deem it advisable, as far as may be done without impeding the working of the measure, to remove the prejudice thus excited; hence the new provision contained in this clause is proposed.

Section 125. Compensation to persons deprived of land—

It is a principle of the existing Act to substitute for ejection, as the remedy in case of wrongful deprivation of land, an action for compensation in money against the person on whose application the certificate of title was wrongfully issued, or who acquired the estate or interest by wrongful registration; thus transferring the liability from the land (which, under the old law, it would follow into the hands of third parties) to the person of the individual who derived benefit from the error, with an ultimate guarantee from the assurance fund.

The Commission have decided on modifying this principle, to the extent of removing this liability from the applicant, or person registered as proprietor in error, to the assurance fund, upon transfer of the property to a purchaser *bonâ fide*, unless in cases in which the error has been occasioned by misrepresentation on the part of such applicant or other person. The consideration that, under the provisions of the existing Act, a transferee *bonâ fide* is actually placed in a worse position, as regards liability, than that in which he would stand under the old law, has led to this conclusion.

Section 129. Limitation of actions—

In this section a saving clause is introduced, in the case of infancy or other disability. The provision barring action in case of persons, after notice, hanging back, and wilfully or negligently allowing the time appointed for caveat to lapse, has already been noticed.

Section 130. Moneys paid out of assurance fund may be reclaimed out of the estates of parties deceased, insolvent, or absconding—

The Commission deem it necessary to amplify the provisions of the existing Act in this particular, in the manner prescribed in this section.

Section 133. Certificate of title void, as against the estate of person in possession and rightfully entitled at the time when application is made—

This provision is new. The Commission see in it a means of preventing a gross fraud and serious injury, which it is just possible may else be perpetrated by an applicant making false declaration as to the occupancy, and selling to *bonâ fide* purchasers, the land for which, through such falsehood, he may have obtained certificate of title.

Schedule P. Fees payable to General Revenue—

These fees have been revised and several new items of charge added.

Schedule Q. Land Brokers' charges—

An extra charge is authorized, in the case of unusual covenants introduced in instruments, and where diagram is required.

G. M. WATERHOUSE, Chairman.

1861-2.

VICTORIA.

SOUTH AUSTRALIA :
REPORT OF THE REAL PROPERTY
LAW COMMISSION.

LAI'D UPON THE TABLE OF THE LEGISLATIVE COUNCIL BY THE HON. W. H. F. MITCHELL,
4TH FEBRUARY, 1862, AND ORDERED TO BE PRINTED (FIRST PRINTING REPORT), 1862.

WARRANT APPOINTING COMMISSION.

Sir RICHARD GRAVES MACDONNELL, *Knight Companion of the Most Honorable Order of the Bath, Captain-General and Governor-in-Chief of Her Majesty's Province of South Australia and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.*

To Sir Charles Cooper, Knight, Chief Justice of the Province, aforesaid ; the Honorable George Marsden Waterhouse, of Adelaide, in the said Province, Member of the Legislative Council thereof ; Richard Davies Hanson, of Adelaide, aforesaid, Barrister-at-law ; Robert Richard Torrens, of Adelaide, aforesaid, Registrar-General of the said Province ; and John Henry Barrow, of Adelaide, aforesaid, Esquire.

Know ye that I, relying on your prudence and fidelity, have appointed you, and by these presents do give unto you, or any three or more of you, full power and authority diligently to inquire into and report upon the measures (if any) that may be necessary to perfect the Act known as the "Real Property Act" of 1860 ; and for that purpose to examine and re-examine *vivâ voce* or in writing, or both *vivâ voce* and in writing, all witnesses who shall attend before you for the purpose of giving evidence in the above matter : and I give you, or any three or more of you, full power and authority to do all such other acts and things as may be necessary and lawfully done for the due execution hereof : And I require you, without delay, to report to me the results of the aforesaid examination.

Given at Adelaide, this twenty-fifth day of February, in the year of our Lord One thousand eight hundred and sixty-one.

(L.S.)

RICHARD GRAVES MACDONNELL,
Governor.

REPORT.

To HIS EXCELLENCY SIR RICHARD GRAVES MACDONNELL, KNIGHT, COMPANION of the MOST HONORABLE ORDER of the BATH, CAPTAIN-GENERAL and GOVERNOR-IN-CHIEF of HER MAJESTY'S PROVINCE of SOUTH AUSTRALIA, and VICE-ADMIRAL of the same, &c., &c., &c.

IN pursuance of Your Excellency's Commission, authorising and appointing us to inquire into and report upon the measures (if any) necessary to perfect the Act known as the "Real Property Act," we entered upon the inquiry therein directed.

Our first object was to ascertain the manner in which the Act was carried out, the general arrangement and working of the office, and the nature of the books and instruments which had been prepared and were in use ; we then proceeded to inquire in some detail into the precise nature of the steps taken in order to bring land under the Act, the character of the evidence required, the notices given and the precautions adopted in order to guard against error ; and we examined particularly into some cases in which it had been alleged that titles had been improperly granted. Having completed this branch of our inquiry—at least sufficiently for our object,

which was rather to ascertain and exhibit the working of the system than to examine into any special instances—we proceeded to examine various witnesses, landed proprietors, land agents, solicitors, and merchants—who had either operated under the Act, and therefore were able to detail their experience of its working, or had objections to urge against portions of the system, or suggestions for its amendment. The evidence of all these witnesses is printed in the appendix to this report. After hearing this evidence, we proceeded to consider the existing Real Property Act, for the purpose of deciding what amendments were needful or expedient, and ultimately prepared the draft of an amended Act, which has been already transmitted to the Government.

The objects of the Real Property Act are to give security and simplicity to all dealings with land by providing that the title shall depend upon registration, that all interests shall be capable of appearing or being protected upon the face of the registry, and that a registered title or interest shall never be affected by any claim or charge which is not registered. By this system, every one who acquires any estate or interest in land, upon being registered as owner thereof, obtains a title absolutely secure as against every one whose claim does not appear upon the registry; and the two elements of simplicity and security as regards the acquisition of land appear to be effectually attained.

It is, however, essential to any such system, that it should provide for the creation and security of derivative interests, not in the nature of contracts such as are ordinarily created by settlements or wills; or for trusts; and for the cases in which by operation of law, or by an instrument operating after the death of the registered owner and not registered, such as a will, the estate or interest held by a registered proprietor devolves upon or is transferred to others, either in their own right, or as trustees; or for what in the Act is termed transmission. In this Colony it is also necessary to provide some machinery for enabling a person, claiming to be proprietor, to bring his land under the operation of the system, and thus to acquire for himself, and be capable of transferring to others, the absolutely secure title which it guarantees. These various topics were comprehended in our inquiries, which thus included:—1st. Bringing land under the Act. 2nd. Transfer. 3rd. Transmission; and 4th. Trusts.

The first of these subjects of inquiry, which does not affect the principle of the system of registration of title, although it is a necessary preliminary to its application to all lands granted prior to the first introduction of the system, necessarily occupied a considerable portion of our inquiry. Its importance is unquestionable; since the new system has already been applied to property estimated to exceed £1,500,000, in value, and will, no doubt, ultimately be applied to all the land granted prior to the date of the first Real Property Act: and at the same time it is that portion of the Act to which the strongest objections have been urged, and the working of which is most difficult, and most exposed to the risk of error. The evidence bearing upon this point will be found principally in the examination of the Secretary to the Real Property Commission, Mr. Ward; the Draftsman, Mr. Denton; and the Solicitors, Messrs. Bartley and Gawler; though there are many references to it in other parts of the evidence.

In bringing land under the Act, the inquiries of the Lands Titles Commissioners are directed to two objects—1st. To ascertain whether the applicant has a good title to the land mentioned in his application; and, secondly, to ascertain and define the exact position and boundaries of that land, in order to admit of their being so described and fixed in the certificate of title as to exclude, as far as possible, all future questions of identity. In reference to the former, the question of title, the practice of the Commissioners, as well as the principle of the Act, has been not to grant a certificate of title to land to which there appears on the face of the deeds produced or referred to to be any existing claim or interest beside that of the applicant, or to which a claim may be made as provided by the Act by means of a caveat. In the former case the Lands Titles Commissioners require that the party in whom any such interest may be vested shall concur in the application, failing which, the application is rejected; and in the case of a caveat, the decision of the question raised is remitted to the Supreme Court. The Lands Titles Commissioners do not profess to decide any question of title; their duties in this respect are for the most part restricted to the one function of deciding upon the report of their Solicitors, the class to which any application shall be referred, and consequently the period that shall elapse after the first appearance of an advertisement of the application before a certificate of title can be granted by the Registrar-General; and when they have decided this, the issue of a certificate appears to follow as a matter of course, if before the expiration of that period no caveat is lodged. There are, however, cases in which, upon a special report of the Solicitors, they are called upon to decide as to the sufficiency of evidence of identity, or of the existence and contents of a deed which has not been produced, or of any other matter affecting the title; but these cases appear to have been few. The question of title is practically decided by the Solicitors to the Lands Titles Commission.

Before, however, the Solicitors proceed to investigate the title, the second point, that, namely, of ascertaining and defining the exact position and boundaries of the land proposed to be included in the certificate of title has to be attended to. It appears to rest with the Draftsman to collect and arrange the information necessary to enable the Solicitors to frame a precise description of the parcels and boundaries. In those cases in which the deeds produced by the applicant contain such a description as, by reference to the diagram in the margin of the land grant, and the public maps of the Colony, suffices to determine the position and boundaries of the land, the duty of the Draftsman is simply to embody that description accurately in the plan drawn in the margin of the certificate, and the Solicitors verify the description in the certificate by comparison with that in the deeds. It appears, however, from the evidence, that these cases, except where an entire section has been conveyed, are comparatively few; and that, in a very large number of applications, information has to be sought from other sources than the deeds, in

order to enable such a diagram to be prepared and description to be given as are required by the Act. In all these cases, the Draftsman appears to have obtained such evidence, either of the applicant or of a licensed surveyor employed by him, as in his opinion might be necessary; and when he has been satisfied, he has prepared a description, which is submitted to the Solicitors for approval, and, if approved, is embodied in the certificate of title.

Prior to the Act of 1860, descriptions of parcels and of boundaries with rough diagrams, made by the applicants themselves, appear to have been usually accepted without statutory declaration; because, as the law then stood, the certificate of title might be impeached so far as regarded a mistake in the description of the land or of its boundaries. As, however, it was found that this rendered necessary, or at any rate furnished an excuse for requiring that the previous title should be exhibited in order to ascertain if it applied to the particular land delineated and described in the certificate, a provision was introduced into the Real Property Act of 1860, making the certificate of title conclusive as regarded description and boundaries in the hands of any transferee for value. This alteration in the effect of a certificate has been accompanied by two alterations in the practice pursued in order to bring land under the Act. In the first place, the applicant is required to make a declaration as to the occupancy of the land included in his application; and in the second place, the diagram has to be verified by the declaration of a licensed surveyor. The Draftsman is, however, still required to verify the diagram and description by scaling and plotting, and by comparison with the public and deposited maps, and with the description of parcels in the deeds, and must be satisfied of their correctness before he passes the application to his solicitors.

When the Draftsman is satisfied, either by means of an examination of the deeds or from other sources, that the description and diagram accurately represent the land comprised in the deeds lodged by the applicant, the matter is passed over to the Solicitors, to the Lands Titles Commissioners, together with the diagram and the declaration of the licensed surveyor, in order that they may proceed to investigate the title. The course pursued by these gentlemen appears to be—in the first place, to examine the deeds which are brought to them by the applicant, for the purpose of ascertaining the nature of his title; and then to search the old registry, in order to ascertain if there are any deeds registered which affect his rights; and if the deeds produced disclose a good title, and nothing appears upon the registry to affect it, a report is made to the Lands Titles Commissioners to the effect, that “Search having been made, this title may be passed under Class—” (419.) It appears, however, that there are cases where, from peculiar circumstances—such as the loss or destructions of deeds, or their being in the hands of a solicitor who refuses, or who it is feared may refuse to allow their being brought to the Lands Titles Office for inspection—or, from other causes, the Solicitors have not the deeds themselves, and have to rely upon other evidence of their existence and contents. In the case of lost or destroyed deeds, the matter appears to be brought specially before the Lands Titles Commissioners, and they require evidence to be produced of the loss and of the contents, which, judging from the cases investigated by us, appears to be such as would be deemed sufficient in a Court of Justice. In the cases, however, of applications in which, as Mr. Gawler says (796), the Solicitors “cannot get the deeds, because they are in the hands of other parties,” it would appear that in several instances the Solicitors have been content to rely upon the production of an abstract, and the verification of that abstract by search in the old Registry Office (796). And in these instances, it does not appear to be the case that any special report is ever made to the Lands Titles Commissioners of the circumstances that particular deeds have not been produced, and of the reasons for dispensing with their production, or of the nature of the evidence which has been relied upon, in order that they may decide whether the excuse for non-production is sufficient and the evidence of contents satisfactory. The Solicitors, in these cases, decide for themselves; and upon being satisfied that the applicant is entitled to be registered as proprietor, and that there does not appear to be any adverse estate or interest outstanding, they report upon the claim in the form given above.

Upon receiving this report, the Lands Titles Commissioners, unless from their individual knowledge they are aware of some circumstances which render it inexpedient to issue a certificate of title, direct the notices required by the Act to be given, and fix the period of notice.

Notices are given, by advertisements in the *Government Gazette*, in the two daily papers, in two of the weekly papers, in one paper in the German language, published in Adelaide, and by sending through the post a copy of the advertisement to every person who appears upon the face of the deeds produced to have been interested in the property, and whose residence is known to the Secretary; or to the agent of such as are not resident in the Colony, and whose agent is known; and to the owners of adjoining properties, so far as known. These notices are sent out by the Secretary to the Lands Titles Commissioners, Mr. Ward, in pursuance of general instructions. It is, consequently, a part of his duty to examine all the deeds which are produced by the applicant, for the purpose of ascertaining the names and addresses of the individuals to whom notice is required to be given; and to ascertain generally from the applicant the names and addresses of the proprietors of the adjoining land; and to forward to each of these a copy of the advertisement, designating the particular property in respect of which the notice is intended to be given, by placing an asterisk opposite to it.

In addition to these notices, it has been the custom to send copies of the advertisements to the district council or municipality within the limits of which the property intended to be brought under the Act is situate, whenever it is so situate; and, since the commencement of the inquiry of this Commission, it is the practice to require that a copy of the diagram proposed to be inserted in the certificate of title should accompany the copy of the advertisement. If, within the period limited by the Lands Titles Commissioners, no caveat is lodged by any person who

would be affected by the issue of a certificate of title of the land included in the diagram, a certificate of title, in accordance with the description prepared by the Draftsman, and sanctioned by the Solicitors, is laid before the Registrar-General for his signature; which, upon being initialled by one of the Solicitors, is signed by him as a matter of routine.

It is obvious, from the above description of the course pursued in bringing lands under the Act, that the satisfactory working of the present system depends mainly upon the Draftsman and the Solicitors; the former investigating the position, dimensions, and boundaries of the land to which the applicant claims to be entitled, and the latter advising whether or not he is in fact entitled to some land not inconsistent with the description sanctioned by the Draftsman. And, without desiring to derogate from the ability and exactitude of these gentleman, and giving them the credit which they well deserve for zeal and conscientiousness, we nevertheless feel that there are chances of error in the issuing of certificates of title; and in two cases which have been the subject of litigation—both which, however, occurred before the Real Property Act of 1860—a certificate of title had been granted which included land in the occupation of another person who claimed adversely to the applicant, but did not make his claim known by caveat or otherwise; and notwithstanding the additional precautions which we have detailed, and which are now taken, there is still no absolute security that the same may not occur under the provisions as altered in the Act of 1860, which requires that the applicant shall make a statutory declaration that there is no occupancy adverse to his interest. The very attempt to define boundaries without the concurrence of the owners of the co-terminus land, but upon the declaration of the interested party or his surveyor (251), necessarily involves the risk of including land to which the applicant is not entitled; or, at any rate, land to which another may have a claim. As regards titles, a case has come under our notice in which, although it is quite possible that the applicant's title may be perfectly valid, it nevertheless appears that the Solicitors have been satisfied with what we cannot but regard as inadequate evidence.

Admitting the existence of this liability to error in the present system, it then became a question, in the first place, to what extent that liability might be diminished; and in the second place, assuming, as we imagine must be the case, that, in spite of every precaution, some liability to error must nevertheless remain, and consequently some injustice may be occasioned, whether that formed any ground of objection to the system itself, so as to justify its rejection. Under the former head, we have suggested, so far as boundaries are concerned (and it is in this particular that the greatest difficulty exists), that copies of the diagrams should be sent with all notices, that notices should be sent to the proprietors of adjacent land—both of which suggestions have been adopted by the Registrar-General and are now in full operation—that notice shall be sent by registered letter, and that a certificate of title shall not be valid as against a person in actual possession at the time of its issue under a title adverse to the registered proprietor. It is, however, after all, to the care and judgment of the officers of the department that we must principally look for preventing errors of this nature; and we feel it only due to them, while calling attention to the instances above referred to, to state, that the general result of our inquiry has been to impress us with a belief that such cases are few and altogether exceptional; that their discharge of their duties has been careful and efficient; and that in the vast majority of instances the certificate of title has been granted to the person actually entitled, and has only included the land which belonged to him; and it may be anticipated that the attention thus directed to the cases to which we have referred, will of itself produce greater vigilance for the future. We would also suggest that the Lands Titles Commissioners should make it an instruction to the solicitors, when reporting upon any title which has not been evidenced by the actual production of all the deeds, to give a full statement of the grounds which render the production of the deeds themselves impossible or unnecessary, and of the nature of the evidence of their contents which it is proposed to receive.

Admitting, however, that, in spite of every precaution, occasional instances may still occur of mistake or fraud, we do not on that account consider that the present system is to be condemned—at least, until those who object to it are prepared to recommend some other means of accomplishing its object, without involving equal or greater disadvantages. No system that can be devised will probably be altogether free from objection; and it has appeared to us, that, on the whole, the present system, if rightly carried out, combines more advantages with fewer defects than any which has been suggested. It cannot be denied that it is advantageous to secure from the first such a description of the land as may define its position and boundaries, so as to allow of its identification by means of that description alone, and some risk may be reasonably incurred for the purpose of securing that advantage. The risk, moreover, once incurred, prevents all similar risk for the future; since the original diagram and description provide the means of obtaining complete accuracy in all subsequent dealings with the property, whether those dealings relate to the whole or to a portion, and thus exclude a fertile source of contention—that of boundaries, or at any rate reduce it to a minimum. It is also important to remark, that the titles submitted to the Solicitors of the Lands Titles Commissioners are for the most part of a very simple nature. There are few trusts or settlements, or transactions which involve any difficult questions with regard to the rights of parties. The very circumstance that every title is based upon a land grant, the earliest of which is not twenty-five years old, and the great majority of which are not half that age, exhibits a difference between the nature of the titles in this colony and those in a country like England, which renders inapplicable a great part of the objections which have been raised to the provisions for bringing land under the Real Property Act. In a country in which every title would require to be proved by evidence which must reach back to such a period as excludes the possibility of any subsisting adverse right,

where there are no means of ascertaining with certainty that deeds may not exist which qualify or negative the title shown, and where consequently proof that possession has always accompanied the title is ordinarily an essential portion of the evidence, precautions are needed, and proceedings are required, which are not necessary here, where the root of all titles is a recent grant from the Crown, where, in the vast majority of cases, no title can be affected by a deed which has not been registered, and where the principle of the Act itself excludes all titles in which any adverse right or claim appears on the face of the deeds, or is notified by caveat. And as the Act provides that means shall be taken to secure publicity to the application, and to give direct notice to all those who appear to have had prior dealings with the land, or who may be affected by the issue of the certificate of title, as the rights of all persons in actual occupation are secured, and as, in addition to this, the applicant is precluded from deriving any personal advantage from any certificate procured through fraud or misrepresentation on his part so long as it remains in his hands, and is always liable to make compensation for any injury thereby occasioned, it has appeared to us that there are such reasonable safeguards against error or fraud, as may warrant us in recommending the continuance of the system with the modifications above referred to. And it must not be forgotten, that even if errors are committed, those whose rights are thereby affected are not left without remedy, since, although in justice to a purchaser on the faith of a title guaranteed by the Act, the land itself cannot be recovered, the person who would, but for this provision, be entitled to recover the land, may now recover its value, against the original wrongdoer, or failing him, against the assurance fund. In doing this, he is subjected to no disadvantage. The same evidence that would entitle him to succeed in an action of ejectment would entitle him equally to succeed in an action for compensation; and, as it cannot be suggested that there is any feeling in juries adverse to claimants against the public funds, his probability of success would be as great in the one case as in the other, and he would be absolutely secure of being paid any compensation that might be awarded him.

The difference in this respect, between the system introduced by the Real Property Act and that which it is intended to supersede, is that, while there is in each a possibility of error or of fraud, by means of which one of two parties equally innocent is exposed to be deprived of land to which he believes himself to be entitled, the former system enabled the original owner to recover the land with all its improvement against a *bonâ fide* purchaser, who was left without remedy; and the present enables a *bonâ fide* purchaser to retain the land he has bought, but provides compensation to the innocent owner who has been deprived of it. And it can hardly be disputed that the latter, while it secures the great object of simplicity of transfer and indefeasibility of title, which could not otherwise be attained, is at least equally agreeable to natural justice.

In connection with this branch of our inquiry, two other matters were brought under our notice; one related to the comparative disadvantage of the position occupied by persons who brought land under the Act, as regarded their liability in the event of an adverse claim being afterwards established in respect of it; in which case, though they might have acquired the land *bonâ fide* and in ignorance of this claim, and have afterwards sold it, they would still be personally liable to make compensation to the successful claimant. This appeared to us to be not required by the principle of the measure, and, if understood, to be calculated to prevent persons from bringing land under the Act; and we have accordingly proposed that a person bringing land under the Act shall be free from any liability after a sale, excepting in the cases in which he would remain liable under the former system. The other matter related to a difficulty which has been felt, arising from the knowledge of an existing claim which the claimant would neither assert nor abandon, but which might render it impracticable for the Solicitors to report in favor of the title, or which would subsist as a claim for compensation, even if the title were approved. To meet these cases we have introduced a provision authorizing personal notice to be given to any named individual, and barring such individual of all right either to recover the land or to obtain compensation in respect of it, in the event of his failing to take the requisite steps to assert his claim within a specified period after the service of the notice.

Passing to the consideration of the manner of dealing with property which has been brought under the operation of the Act, we have to report that the system of registration appears to be clear and complete. The certificate of title in the registry book exhibits at a glance the nature and extent of the interest of the registered proprietor, and all charges and incumbrances to which it is subject; and the forms are sufficient.

The system, however, justifies a more detailed statement of its main features. The essential principle we have already stated, viz., that every estate or interest should appear on the face of the registry, and that no transaction should be affected by anything which is not registered. The mechanism by which effect is given to the principle is, First—The ownership of the land is always represented by one certificate in duplicate, one part of which forms a folium in the registry book, and the other is in the hands of the registered proprietor; upon each of which are entered memorials of every charge, estate, or interest affecting the land. Second—Upon every transfer or transmission of ownership in the whole or a part of the land included in any certificate of title the certificate is given up, and a new certificate is issued to the party acquiring ownership; and, in the event of a part only being transferred, to the former registered proprietor for the residue—carrying forward upon the new certificates memorials of all such lesser estates, charges, or interests as continue to affect the land included therein. Third—Every lesser estate or interest is also represented by one instrument only, a memorial of which is entered upon the folium of the register, constituted by the grant or certificate of title which represents the ownership, which is transferred by endorsement and registration, and is delivered up and cancelled upon the surrender or determination of the estate, interest, or charge which it evidences.

Fourth—Every instrument is marked with the volume and folium of the register constituted by the grant or certificate of title representing the ownership of the land to which the instrument relates.

The result of this system is, that there is never more than one instrument at a time for each separate estate, interest, or charge, so that the accumulation of instruments which has hitherto formed one main objection to the principle of registration is entirely avoided, and that each instrument is of itself an index to the register, which contains upon the folium referred to a memorial of everything by which the land can be affected, and enables an intending purchaser, or mortgagee, or lessee, to ascertain with absolute certainty by simple inspection the precise situation of the land, so far as his interests can be affected.

Besides this, and in order to afford means of tracing the dealings of individuals, and the lands in which they may be interested, which may be necessary in cases of insolvency, intestancy, &c., there is also an index of names, in which the name of every registered owner is entered once, and reference is made by means of roman and arabic numerals to the volume and folium in which every transaction to which he is a party is registered; and an index of properties is also kept, which affords similar means of tracing the dealings with every piece of land that has been brought under this Act, irrespective of the names of the parties.

This mechanism, which appears fully to justify the praise which we have passed upon the system, has been devised by the Registrar-General, and is, we understand, original, unique, and peculiar, to South Australia. All the witnesses whom we examined, and who have had dealings under the Act, bore testimony to the simplicity, cheapness, and facility of those transactions, and to the merits of the system by which these results were secured.

There have been some questions in connection with this branch of the subject which we have had to consider. One of the most important relates to the power given to the Registrar-General, by the Real Property Act of 1860, to dispense with the production of a certificate of title when registering a transaction affecting the land included in it. The necessity for such a power has arisen mainly from the circumstance that it is the custom for registered mortgagees to insist upon having the certificate of title delivered over to them with the instrument of mortgage, and refusing to deliver it up for the purpose of other dealings with the land, notwithstanding that, by the Act, no such dealings can possibly affect their security:—thus, without any advantage whatever to themselves, and without any legal right, impeding the free exercise of the rights of the mortgagor. It was only just to a mortgagor, that, under such circumstances, a power should be given to the Registrar-General, with the sanction of the Lands Titles Commissioners, to register a second mortgage, or any other dealing affecting merely the estate and interest of the mortgagor even although the certificate of title was not produced; but at the same time this power seriously affected the value of a certificate of title as a means of raising money by way of equitable deposit—a result which was not designed, and does not appear to us to be expedient. It has seemed to us, that the two objects may be secured if the power is still left with the Registrar-General, but only to be exercised upon his being satisfied that the certificate of title is not deposited as a security, and after notice by advertisement of his intention to dispense with its production. And as in every case it is in the power of the equitable mortgagee to protect himself by entering a caveat, which need not disclose in any manner the nature of the transaction, we conceive that the value of a certificate of title as a security will not be appreciably affected by this power.

With regard to transmissions, the provisions of the former Real Property Act authorized the Registrar-General to grant a fresh certificate of title in cases where the estate of a registered proprietor became transmitted by operation of law in his lifetime, upon the production of proof of the adjudication, marriage, &c., which effected such transmission, but required that there should be an order of the Supreme Court in all cases where such transmission took place in consequence of his death. We have considered it expedient to apply the same principle to all of these cases, and to authorize the Registrar-General, with the sanction of the Lands Titles Commissioners, to grant a certificate of title to any person who produces the requisite proof of his being entitled as devisee or heir at law, or in any other capacity, and against whose claim no caveat is lodged after due notice has been given by advertisement, and otherwise, as the circumstances of the particular case may appear to require, and who is able to give up the certificate of title. The case of transmission, therefore, is brought under the general principle of the Act, viz., that a certificate of title may, after notice, and in the absence of a caveat, be granted to an applicant who furnishes satisfactory evidence of his title.

We have been induced to recommend this alteration not merely from our wish to avoid the expense which is necessarily attendant upon applications to the Supreme Court, though that is one reason which has influenced us, but also because of the reluctance which has been expressed by the Judges of that Court to pronounce a decision which may bar altogether the rights of parties who are not before the Court, and who have had no notice of the proceedings. We are of opinion that there is much force in their objection, and that in asking the Supreme Court to pronounce such a decision, simply upon a consideration of the *primâ facie* evidence adduced by the applicant, a duty was cast upon that Court inconsistent with its proper functions, and with the principles upon which its judgments are ordinarily based. While, therefore, we remit to the decision of that Court all opposed cases, and have introduced a provision authorizing the Lands Titles Commissioners to obtain its opinion in doubtful matters, we have given to those Commissioners the power of granting a certificate in all cases where a *primâ facie* title is shown and no opposition is offered, and have imposed upon them the duty of giving the requisite notices.

The question of trusts is one in respect of which also objections have been made to the provisions of the Real Property Act, which, it is suggested, are not adequate to all the various

contingencies which may arise. It has been proposed by Mr. Ingleby and Mr. Belt (1652 to 1657, 1727), in order to meet this alleged difficulty, that there should be two registers, one for ordinary certificates of title and one for settled estates, and that when land is settled it should be transferred to the second register, and be operated upon by deeds under the old method of conveyancing. As the provisions of the Real Property Act, with regard to settlements have not yet been submitted to the test of experience, it is, of course, impossible to say to what extent they may prove adequate; but we see no reason to assume that there will be any such inadequacy in these provisions as would justify the adoption of the suggestion to which we have referred. The provisions for enabling a registered proprietor to alter the nature of his estate, and to register himself as joint tenant, or as tenant for life, with remainder to parties named or described; for the registration of interests in remainder or reversion; for preventing a sole trustee from acting contrary to the intention of the settlor by inserting the words "without survivorship," and for allowing all persons beneficially interested under any trust to protect their interests by a caveat, will, we believe, be found sufficient for all purposes, and will give greater security against fraud or misconduct on the part of trustees than now exists. If, however, experience should disclose defects in these provisions, the same experience will suggest the appropriate means by which such defects may be remedied; and we have deemed it advisable to leave a future legislature to deal with these matters rather than to complicate the working of the Act by attempts to guard against evils which after all may never arise. Our views upon this subject derived confirmation from the report of the Commission appointed in England to consider the subject of the registration of title, and which comprised among its members the present Lord Chancellor, the late Solicitor-General, and other gentlemen of eminent professional ability. This report, after describing a system almost identical with that now in operation under the Real Property Act in this Colony, contains remarks in reference to the objections urged against that system, which are so applicable to the similar objections urged in this Colony, as to justify us in quoting it:—

L. We next proceed to consider whether registration of the legal ownership will be compatible with due protection of the equitable or beneficial interests in land.

It has sometimes been supposed that any system of registration of title will require a decision as to which of certain principles alleged to be irreconcilable touching the theory of disposition of landed property ought to prevail; whether, on the one hand, the stability of settlements, or, on the other, the safety of buyers, or, in other words, the protection of families or the marketability of land, ought to form the paramount consideration. After mature examination, however, we have been led to the conclusion that no such dilemma is in fact involved in the institution of a registry of title.

Were we to allow, however, that such a difficulty does in fact present itself, we should be able to rely, as has been well remarked (*a*), on our ancient law as affording for the present purpose a wise and useful precedent; for just as the feudal law required that the freehold should always be filled by one capable of contributing to national defence, and performing the duties of a feudal follower, so the spirit of commerce now demands that, for its purposes also, the fee simple in land shall always be represented and be in the possession of persons capable of fulfilling those new duties and offices which the ownership of land in the present state of society entails or involves.

As regards the sale and transfer of land, it is clear (*b*) that much good would not be obtained by merely registering the fee, or, in other words, the legal title, unless the purchaser could dispense with inquiry into the equitable title, with its incidents. Unless a purchaser be protected from inquiring into trusts, there will not be any advantage to him. In other words (*c*) if trusts and limitations are to continue to form part of the title in all respects as they do now, the registry of title will be useless, or at least not worth the danger and difficulty attendant upon the introduction of a new system.

The question then is (*d*), whether the present system of settlements can be modified without materially interfering with the nature or quantum of interests commonly created by them. Any material interference with the nature of such interests would be objectionable; but, under modified forms, the system may, we think, be continued consistently with the objects contemplated by a register of titles.

We are aware that it has been objected (*e*) to the portion of the proposed system now under consideration, that partial and equitable interests constitute a very large proportion of landed interests; and that while to require them to be registered would be to sacrifice the simplicity of the register, to exclude them from the register would be to jeopardise them, by placing them at the mercy of the registered owner, except so far as the persons entitled to such interests might become active in using the allowed means of restricting his power of disposition. It is remarked with truth, that the owners of these interests may now remain passive, and yet be sufficiently protected. It is therefore contended, that, to deprive them of their present grounds of security, and substitute the necessity of taking active measures, by distringas or otherwise, to protect themselves from improper dealing on the part of the registered owner would be placing such owners in a new and critical condition, requiring much intelligence and caution, and would tend greatly to diminish the value of these numerous and very important interests, which are themselves constantly the subjects of sale and transfer. A settlement of land, it is said, (*f*) would, under such a system, come not to differ practically from a settlement of a sum of stock, which would be felt by some to be an evil; many preferring an interest in land, because, to use a not uncommon expression, "while they are sleeping, land cannot run away."

We may remark, however, in reference to these objections, that experience and existing practice will furnish the best answer to them. According to the modern practice of conveyancing, the apprehended danger has not been found to arise in analogous cases, where trustees are clothed with as large powers as they would have under the proposed system. That practice has especially been directed to avoid the embarrassment of a complicated system of trusts, which, by the rules of equity, fasten themselves on the land, and provisions are constantly inserted (*g*) in settlements, to render it unnecessary that purchasers or mortgagees, when dealing with trustees, should be forced to see to the circumstances under which the trust is performed, or the manner in which the proceeds are applied. For example, under the present system most well-drawn settlements of landed estates contain clauses empowering the trustees to sell, with the consent of the tenant for life, if he be living, but if he be dead, at their sole discretion, and to give absolute discharges for the purchase-money; and yet no sales, excepting those within the object and provisions of the trust, are ever heard of. Again, this principle is carried so far that the property is often conveyed to the trustees by one deed, while the trusts are declared by another. And what is the object of these complicated proceedings, except that the trustees may appear to the purchasers, or be treated by them, as absolute owners, and that those purchasers need not know

(*a*) Mr. Dobbs on the best means of giving increased facilities to the transfer of land.
 (*b*) Messrs. Nicholl and Smyth's evidence. (*c*) Mr. Commissioner Longfield's evidence.
 (*d*) Mr. Dugmore's evidence. (*e*) Mr. J. T. Humphrey's evidence. (*f*) Mr. Alfred Bell's evidence.
 (*g*) See on this subject the Report of the Registration and Conveyancing Commission, p. 30.

anything of the purposes for which they hold the property? Again, under the present system of conveyancing, a mortgagee has usually a power of sale, which he may exercise without the concurrence of the mortgagor; but experience has shown that this power is very rarely abused, and it is uniformly given without hesitation. We, therefore, think that the practice (*h*) of inserting powers of sale in settlements and mortgages proves that the proposed scheme of registration, when properly understood, will not be considered objectionable by landowners. Nor should it be forgotten that there are millions of money in the funds, and in railways, canals, docks, and other undertakings, left to a great extent in the names of trustees, and yet it has been found that property so circumstanced is practically safe. Can it be believed that what is safe for beneficial interests in such property, when prudently looked after, will be otherwise than safe when applied to land, especially if there are thrown over it those additional protections which we recommend in this Report? With such protections, prudently claimed and carefully acted on, we conceive the answer must be in the negative. And if any further proof were needed, we should find it in the fact that the legislature itself has recognized (*i*) the principle upon which we proceed, and applied it to property in British ships, as may be seen by the recent Statute for amending and consolidating the Acts upon that subject.

It may also deserve remark (*j*) with reference to the supposed objection arising from the risk of fraudulent sales by trustees, that the contemplated sale of land is usually known to tenants and other persons in the locality; and is therefore less likely to be effected by fraud than transfers of stock.

In considering the amendments which it might be advisable to embody in the draft of the new Act, our attention was directed to the inconveniences which are stated to be experienced from the existence at the same time in the colony of two systems of transfer, so different in their principles as the old system of conveyancing and that introduced by the Real Property Act, and to the methods by which this inconvenience might be removed. On a review of all the circumstances of the case, and of the various methods proposed for the removal of this inconvenience, we have decided not to propose any alteration in this respect of the existing law. Assuming that in fact such an inconvenience exists, it is one which we believe is in its nature temporary, and likely to be less felt as the Real Property Act is more largely availed of. The proposed remedies, moreover, were such as we could not decide on adopting, since it would have been necessary either to sacrifice the principle of indefeasibility of title under the Act, by issuing certificates which did not give an absolute right, or to deprive such persons as could not satisfy the requirements of the Act so as to bring their land under its operation (and to whom therefore the Lands Titles Commissioners must refuse a certificate), of all power of dealing with their property. The former alternative, that of issuing certificates which were not indefeasible, would have complicated the working of the Act, and would have been the probable source of error or of fraud; at the same time that it would have placed the holder of such a certificate at a great disadvantage in dealing with his property. And as the inconvenience alluded to by Mr. Belt and other witnesses, as arising from this source, might be at once remedied in every individual case, by bringing under the Act the land in respect of which it was experienced, there was the less reason for exposing the system to the objections which must necessarily arise from making it compulsory.

We have also directed our attention to the various special objections which are enumerated by Sir H. Cairns and Mr. Thrupp, as in their opinion affecting the validity of the existing Act. Whatever might be our individual opinion as to the weight of these objections, we have been anxious to give them a full and careful consideration, in order that in any amended Bill, such modifications might be introduced as might remove them, wherever this could be done without impairing the efficiency of the measure.

The first objection taken by these gentlemen is to the provision contained in section 11 (5) of the present Act, which authorises the Registrar-General to enter caveats in certain cases for the protection of the rights of parties under disability. We believe that the real scope and object of this provision was hardly perceived by the learned gentlemen who have objected to it, since the power which it gives is one which can only be exercised in favor of the rights of parties who cannot at the time act for themselves, and if it should be improperly or needlessly exercised, the caveat can at once be removed by an application to the Supreme Court.

The second objection applies to the provisions contained in clause 88, which enables agents to bring under the provisions of the Act land which they are authorized to sell, by virtue of that authority merely, and is one of a more important character: since it is no doubt true that in some respects the rights and powers of a proprietor are affected by the bringing of land under the Act; and it would seem in principle that no agent should be allowed to do an act which thus affects the position of his principal, unless specially authorized; but, after full consideration, we have decided, though with some hesitation, upon retaining this provision. The concession of a power of sale and of receipt of the purchase money implies such confidence on the part of the grantor of the power in the person to whom it is granted as to warrant the inference that the additional power conferred by this provision may be safely entrusted to the same hands; and while we admit the theoretical force of the objection to which we have referred, we nevertheless believe that practically the position of a proprietor is improved, in respect to any land of which he is possessed, by having it brought under a system which gives security of title and cheapness of transfer. We are, moreover, informed that the experience of the working of the former Acts, which did not contain any such provision, showed that the efficiency of the measure would be seriously impaired by restraining the exercise of such a power to the case of an actual contract for sale.

We would further remark, that one of the alterations which we have introduced into the draft of the amended Act, by which the liability of any person who *bonâ fide* brings land under the Act, to compensate any person injured by the issue of a certificate of title, ceases upon a sale of the land, will remove the only objection to which we would attach any practical weight; and further, that inasmuch as the power has now existed for upwards of a year without any remon-

(*h*) Mr. Geo. Sweet's evidence.

(*i*) See 17 and 18 Vic., c. 104, s. 30, &c.

(*j*) Professor Hancock's evidence.

strance on the part of a single absentee proprietor, it may be fairly assumed that this acquiescence amount to a tacit confirmation of the power in the case of existing agencies.

The next objection relates to the provision, that, in suits for specific performance, a purchaser is compelled to accept a certificate of title as conclusive evidence of the title of the vendor. We have so far altered this provision as to except from its operation cases in which the purchaser may have notice of any fraud or other circumstances which, according to the provisions of the Act, affect the right of the vendor; since it would be clearly unjust that a person who had obtained a title to land under circumstances which rendered the certificate of title voidable so long as it remained in his hands, should be able to compel a purchaser who became aware of the circumstance to complete his purchase; but in all other cases we are of opinion that it is in strict accordance with the rules of English law, and the principles of natural justice, that a purchaser shall be compelled to accept a title which the Legislature has declared to be not only good but indefeasible.

The next objection relates to the power conferred upon the Registrar-General of cancelling caveats under certain circumstances. We should not have hesitated to have retained this power had it appeared necessary, since its object was not to allow the Lands Titles Commissioners to decide questions of title, but to provide for the cancelling of caveats which upon their face showed that the party by whom they were lodged had in reality no estate or interest which could be affected by any proposed transfer. As, however, by the amended Bill which we have prepared, provision is made for the lapsing of a caveat, unless steps are taken to enforce it within a limited period after notice of an intended transfer, its retention has appeared to us unnecessary, and it has consequently been struck out.

The next objection is to the provision that no action of ejectment shall lie, unless in certain excepted cases. This objection has already been considered in a previous part of our report, and we have only to add that, looking to the circumstances of the Colony, which render land to a great extent an object of ordinary traffic, and to the fact that, under the amended law, no actual occupant can be deprived of his possession, the remedy substituted for the action of ejectment, viz., a right to recover the value of the land in money, appears to us to afford to the deprived party a complete and adequate compensation in all cases, excepting those in which the present law would give him the benefit of another person's expenditure and improvements—and in these cases the substituted remedy provided by the Real Property Act removes an anomaly and injustice in the existing law.

It has been also objected by these gentlemen, to the Lands Titles Commissioners, that they constitute a secret tribunal, and that they decide upon matters affecting the rights of third parties without requiring their presence or concurrence. This objection, however, appears to us to proceed upon a misconception of the nature of their duties. It is necessary to provide some machinery by which land, alienated before the passing of the first Real Property Act, may be brought under the operation of the system; and, having regard to the circumstances of the Colony, it is equally necessary that this should be done in such a manner as that the cost should not be prohibitory or oppressive. The system introduced by the first Real Property Act provides for one class of cases, that in which the applicant can satisfy the Solicitors to the Lands Titles Commissioners that he has a clear legal or equitable title to the fee simple of the land free from incumbrances, or that the incumbrancee consents to the application. In these cases the Lands Titles Commissioners merely decide upon the report of their solicitors, and in accordance with the provisions of the Act, what shall be the period of notice, and then full publicity is given to the application by the advertisements and notices to which we have referred. If any adverse claim is made by the entry of a caveat, the Lands Titles Commissioners take no further steps unless the caveat is abandoned, or the Supreme Court pronounce in favor of the applicant; but if no such claim is made, then the issue of a certificate follows as a matter of course. The Lands Titles Commissioners, therefore, have no judicial functions to discharge, and consequently no reason exists why their proceedings should be conducted in public. The principle of the Act excludes from their cognizance all cases in which a clear *prima facie* title is not deduced, and those in which any adverse claim is made, and they have only, in bringing land under the Act, to receive and decide upon the report of the solicitors, and in accordance with that report to authorize the Registrar-General to take the steps required by the Act.

There are some other matters in which we have also thought it advisable to propose alterations in the existing Real Property Act. We have introduced a clause reviving the penalties attached to fraudulent or wrongful dealings under the original and amended Real Property Act, which were inadvertently repealed by the Real Property Act of 1860; but so as that this revival shall not affect any existing proceedings. We have also introduced a clause authorising the registration of Treasury receipts, so as to give security to advances made for the purpose of assisting in the purchase of Government land during the interval which elapses before the land grant is issued. We have made the provisions with regard to mortgages more efficient, by giving to the mortgagee power to recover possession of the land included in the mortgage in any Court of Competent Jurisdiction, and a power to take the land itself in satisfaction of his claim by proceedings in the nature of foreclosure, after the property, upon being duly advertised for sale, has failed to sell for the amount of the mortgage debt and interest. And we have also introduced a provision that the certificate of title issued in consequence of an application to bring land under the Act, or in case of transmission, shall be signed by the Registrar-General in public.

It will be seen by a reference to the evidence that many of the difficulties which have attended the working of the Act have arisen from the imperfect nature of the original Government surveys, and have been aggravated by the imperfect descriptions adopted in subsequent

conveyances, when the land has been subdivided. It has been suggested that, for the purpose of removing these difficulties, a Government map of the whole purchased land of the Colony should be prepared, on the same principle as the maps compiled under the authority of the Tithe Commissioners in England, to which reference might be made in all future certificates of title. Upon this subject we examined Mr. Goyder, the Surveyor-General, and it will be seen from his evidence that he estimates the cost of such a map at not less than £50,000, and that the time occupied in its preparation would not be less than five or six years. Such a map, moreover, even if prepared, would only imperfectly answer its purpose. In England, all that is required of a map is that it shall accurately represent the existing condition and boundaries of the land as defined by roads, fences, or streams, without any reference whatever to ownership, except so far as that may be evidenced by occupation, and then only incidentally. In this Colony, however, where so large a portion of the sold and subdivided land is unoccupied or unfenced, such a map would want the essential feature upon which its value would depend; and we therefore see no reason for recommending its construction. The operations of the Lands Titles Commissioners will gradually furnish the materials for a correct map, which, if deemed advisable, may ultimately be compiled from the diagrams in their office.

In connection with the difficulties arising from the imperfect manner in which surveys were conducted, we may call attention to another very serious inconvenience as affecting the index of properties, to which we have referred, and which we regard as a most valuable adjunct to the system, viz., that arising from the alteration of the territorial divisions of the country. It may happen, and in fact it has happened, that land is sold as Section —, in Hundred not named; that then a name is given to the Hundred; and that then, either by an alteration in the boundaries of the Hundred, or by some other change, the section becomes transferred to another Hundred; or land sold as Section —, in District B may afterwards become conveyed as Section —, in the Hundred of —, or in the District of —. It is obvious that the value of any index of properties must be seriously impaired by such changes; and we would suggest that, for the future, the divisions for the survey of land should be made independent of Hundreds or Counties, and should be always fixed and unchanged; and, further, that some steps should be taken for the introduction of an uniform system into those districts in which surveys have been already commenced, and land has been sold.

In forwarding this report, we are far from believing that our labours will have the effect of superseding future legislation. In the introduction into the Colony of any entirely new system, such as that of registration by title, it is impossible to foresee or to provide for every contingency. The work of the Legislature is necessarily tentative, and its results must be estimated by the actual good which has been produced, and not by comparison with some ideal standard of perfection. And whether regarded in itself, or in comparison with the system which it is intended to supersede, we believe that the Real Property Act, with all its shortcomings, is a successful and most beneficial alteration in the law. No one who has had any experience of the old system of conveyancing which the people of South Australia brought with them as an adjunct to the English Law of Real Property, can deny that it is costly and cumbrous; that it fails to give that security which is the only excuse for its costliness, and that it is especially burdensome in a country in which land is a common possession, and a matter of daily bargain, instead of being the luxury of the few, and seldom parted with excepting under circumstances of necessity. And the Real Property Act has, we see no reason to doubt, introduced a system which is at once simple, cheap, and secure. That such a system in its first introduction should have been to some degree imperfect, or that its early working should have been attended with some instances of error or of wrong, is no more than might have been expected; but we are bound to state as the result of our inquiries, that these have been fewer than might have been anticipated, and appear to be likely to become less frequent as the principles of the measure become more familiar, and experience shows the nature of the precautions which should be taken. While, however, attention has been prominently drawn to those cases in which the Real Property Act appears to have failed, or to the circumstance that it has from time to time required amendment, no notice has been taken of the general operation of the measure, of the benefits which it has introduced, or of the proof of its efficacy afforded by the daily working of the system. It must not, however, be assumed, that it is peculiar to the Real Property Act to need amendment. The Real Property Law in England has also been a subject of legislation at home, and the various Acts introduced for the purpose of removing its anomalies and simplifying its principles, while they have from time to time required amendment, have nevertheless left it, by the confession of all those who have directed their attention to the subject, in a condition which will require at least equal legislation for the future before, if ever, it can be brought into a satisfactory condition. In the case of the Real Property Act, we have at least the satisfaction of knowing that all amendments tend to a definite and well-ascertained result, and that they have effected a certain and substantial good. To delay reform until we are assured that the measure is so perfect as to satisfy alike the needs of the present and the requirements of the future, would be a course satisfactory only to those who are desirous that no reform should be effected.

CHARLES COOPER, C.J. (L.S.)
 G. M. WATERHOUSE. (L.S.)
 R. D. HANSON. (L.S.)
 R. R. TORRENS. (L.S.)
 JOHN H. BARROW. (L.S.)

November 15, 1861.

1861-2.

VICTORIA.

REVENUE RETURNS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE T. H. FELLOWS, 11TH MARCH, 1862.

RETURN of the REVENUE from all Sources, received on account of the Year 1862, and a similar Return for the corresponding period of each of the five preceding years.

LAID ON THE COUNCIL TABLE BY THE HONORABLE W. H. F. MITCHELL AND ORDERED BY THE COUNCIL TO BE PRINTED, 25TH MARCH, 1862.

STATEMENT of NET REVENUE received at the Treasury on account of the first two Months of

	1862.	1861.	1860.	1859.	1858.	1857.
No. 1. CUSTOMS.						
<i>Import Duties.</i>	£	£	£	£	£	£
On Spirits	82,657	104,436	106,816	114,038	121,252	117,615
Wine	5,237	11,174	8,585	10,597	7,371	17,032
Beer	8,184	9,599	11,204	9,134	8,853	14,152
Tobacco	15,973	27,606	24,701	21,317	17,978	15,307
Cigars	1,809	7,438	4,742	4,764	4,082	4,591
Tea	19,796	29,581	29,598	26,974	18,899	12,593
Sugar	20,573	22,467	31,374	16,651	28,200	23,134
Coffee	2,167	2,946	3,950	3,208	3,811	3,984
Opium	3,262	3,709	1,927	2,647	890	...
Rice	5	...	...	...	...	...
Dried Fruits	373	...	...	...	...	...
Hops	204	...	...	...	...	...
Malt	325	...	...	...	...	...
Registration Fees	2,847	...	...	...	...	...
Total, Customs	163,412	218,956	222,897	209,330	211,336	208,408
No. 2. EXCISE.						
On Spirits distilled in Victoria	186	716	1,020	...	...	...
Publicans' Licences	800	1,000	1,225	1,350	1,275	2,150
Spirit Merchants' ditto	8,794	9,419	7,387	7,448	6,386	100
Auctioneers' ditto	1,625	1,899	1,525	1,275	1,525	450
Brewers' ditto	689	688	458	337	319	...
All other ditto	561	758	638	868	548	499
Total, Excise	12,655	14,480	12,253	11,278	10,053	3,199
No. 3. TERRITORIAL.						
On Proceeds of Sale of Crown Lands... ..	46,525	76,911	18,465	21,253	22,449	111,230
Assessment and Occupation	5,470	1,632	3,927	4,278	3,689	...
Export Duty on Gold	32,701	39,363	39,583	45,042	48,375	56,114
Miners' Rights	3,681	5,092	4,365	5,789	6,761	4,936
Business Licences	1,698	3,602	2,735	2,445	2,634	2,220
Leases of Auriferous Lands	873	415	209	...	50	437
Total, Territorial	90,948	127,315	69,284	78,807	83,958	174,937

STATEMENT OF NET REVENUE—*continued.*

	1862.	1861.	1860.	1859.	1858.	1857.
No. 4. INCOME FROM PUBLIC WORKS.	£	£	£	£	£	£
On Railway Income	26,179	14,921	10,523	...	...	...
Water Rates ... ..	...	...	...	...	...	...
Electric Telegraph	3,171	1,992	2,115	1,684	907	574
Total, Public Works ...	29,350	16,913	12,638	1,684	907	574
No. 5. PORTS AND HARBORS.						
On Tonnage	4,462	3,433	5,173	4,979	4,563	4,650
Pilotage at Out Ports ... ..	...	...	...	...	4	...
Total, Ports and Harbors ...	4,462	3,433	5,173	4,979	4,567	4,650
No. 6. POSTAGE	18,069	18,934	18,178	16,202	13,973	12,477
No. 7. FEES.						
On Supreme Court	2,979	2,953	3,826	3,613	2,778	2,971
General Sessions and County Courts	777	734	723	656	424	1,383
Courts of Mines	115	76	81	90	15	...
Courts of Petty Sessions	1,230	1,225	1,226	974	1,009	457
All other Fees	2,457	1,822	2,233	2,360	1,856	2,051
Total, Fees	7,558	6,870	8,089	7,693	6,082	6,862
No. 8. FINES AND FORFEITURES.						
On Supreme Court	4	5	7	15	97	118
General Sessions and County Courts	3	2	...	2	83	213
Courts of Petty Sessions	446	850	847	557	858	315
All other Fines... ..	181	393	86	257	195	114
Total, Fines	634	1,250	930	831	1,233	760
No. 9. MISCELLANEOUS.						
On Passenger Rates	1,592	861	1,249	1,404	1,561	...
Chinese Rates	995	1,696	1,906	3,256	5,339	...
Rents, exclusive of Land	44	31	9	206	89	33
Tax on Bank Notes ... ..	...	...	...	...	...	...
Government Printer	1,065	1,057	1,106	1,162	1,175	1,205
Labor of Prisoners	99	745	1,218	968	365	1,042
Storage of Gunpowder	211	238	34	116	55	...
Sale of Government Property	352	444	150	1,069	654	457
All other Receipts	398	1,097	1,841	2,195	2,848	195
Total, Miscellaneous ...	4,756	6,169	7,513	10,376	12,086	2,932
TOTAL REVENUE	£331,844	£413,728	£356,247	£339,446	£341,966	£414,799

1861-2.
—
VICTORIA.

NATIONAL EDUCATION.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HONORABLE T. H. POWER.—19TH MARCH, 1862.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE W. H. F. MITCHELL, 2ND APRIL, 1862,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 9TH APRIL, 1862.

COPIES of all Correspondence and Minutes which have taken place on the subject of the requirements of the National Board for the year 1862 between the Offices of the Board and of the Honorable the Chief Secretary and the Honorable the Treasurer.

CORRESPONDENCE BETWEEN THE DEPARTMENTS OF THE BOARD
OF EDUCATION AND THE CHIEF SECRETARY.

CIRCULAR.

No. 4772.

[Copy.]

Chief Secretary's Office,
Melbourne, 14th August, 1861.

SIR,

I am directed to ask you to furnish this office, at your earliest convenience, with your Estimates of Expenditure for 1862.

You should transmit to the Public Works' Department a statement of any works, repairs, or furniture that may be required.

I have, &c.,
(Signed)

J. MOORE.

The Secretary to the Commissioners of National Education.

No. 2377.
SIR,

[COPY.]

National Education Office,
Melbourne, 7th September, 1861.

In compliance with the application contained in your circular of the 14th ultimo, No. 4772, I am directed to state that the following is the Estimate of the Expenditure of this Board for the ensuing year:—

	£	s.
Salaries to schools in operation on 31st December, 1861	37,356	10
Repairs to school buildings	1,000	0
Inspection	2,100	0
Office	1,505	0
Miscellaneous	500	0
	<hr/>	
	42,461	10
For further extension of the system in 1862	5,000	0
	<hr/>	
	£47,461	10

The Commissioners would point out that the above sum, five thousand pounds (5000*l.*), is a very moderate amount to be proposed for the extension of the system.

I have, &c.,

The Honorable
The Chief Secretary.

(Signed)

BENJN. F. KANE.

[COPY.]

No. 8989.
SIR,

Chief Secretary's Office,
Melbourne, 25th October, 1861.

In reply to your letter of the 7th September, forwarding the Estimates of the Board for 1862, I have the honor, by direction of the Chief Secretary, to inform you that, in view of passing an Education Bill, the Government propose placing £110,000 on the estimates for educational purposes.

I have, &c.,

The Secretary
To the Commissioners of National Education.

(Signed)

J. MOORE.

[COPY.]

No. 9422.
SIR,

Chief Secretary's Office,
Melbourne, 21st November, 1861.

I am directed by the Honorable the Chief Secretary to state, that he would feel obliged if you would inform him at what sum you estimate the liabilities of the National Board for 1861.

I have, &c.,

The Secretary
To the Commissioners of National Education.

(Signed)

J. MOORE.

[COPY.]

No. 61 | 3624.
SIR,

National Education Office,
Melbourne, 27th November, 1861.

In reply to your letter of the 21st instant, No. 9422, I do myself the honor, most respectfully, to inform you that the Commissioners estimate the liabilities of the Board as follows:—

	£	s.
Salaries to schools in operation 31st December, 1861	37,356	10
Inspection	2,100	0
Office	1,505	0
Miscellaneous	500	0
	<hr/>	
	£41,461	10

2. The above sum is exclusive of applications for new schools, or for the repair of buildings.

I have, &c.,

The Honorable
The Chief Secretary.

(Signed)

BENJN. F. KANE.

[COPY.]

No. 9867.
SIR,

Chief Secretary's Office,
Melbourne, 9th December, 1861.

I am directed by the Honorable the Chief Secretary to state that he would feel obliged if you would inform him in what proportions the sum of £37,356 10*s.*, being your estimate of the total amount required for salaries for National Schools for the current year, is appropriated towards the support of the vested and non-vested schools respectively.

I have, &c.,

The Secretary
To the Commissioners of National Education.

(Signed)

J. MOORE.

61 | 3893.
SIR,

[Copy.]

National Education Office,
Melbourne, 18th December, 1861.

In reply to your letter of the 9th instant, No. 9867, relative to proportions of the sum for salaries to vested and non-vested schools—

I am desired by the Commissioners to state that the amount required for salaries to teachers of schools in operation on the 31st December, 1861, is as follows:—

	£	s.
For vested schools	22,040	10
Non-vested schools	15,316	0
	<hr/>	
	£37,356	10

But of the non-vested schools in operation, only 34 per cent. are permanently non-vested; the remainder having been established as a temporary measure, pending the erection of vested schools promised or arranged for.

The amount required for non-vested schools may be thus divided:—

	£
For temporary non-vested schools	10,087
Permanent	5,229
	<hr/>
	£15,316

The Honorable
The Chief Secretary.

I have, &c.,
(Signed)

BENJN. F. KANE.

CORRESPONDENCE BETWEEN THE NATIONAL EDUCATION BOARD
AND THE HONORABLE THE TREASURER.

No. 3388.
SIR,

[Copy.]

National Education Office,
Melbourne, 20th November, 1861.

At the suggestion of the Honorable the Chief Secretary the Commissioners do themselves the honor of submitting the following Statement for your consideration:—

- The Commissioners are under an engagement with all teachers employed in National Schools to give them One month's notice before removal, as per agreement, of which I enclose a copy.
- The existing engagements of the Board in salaries and allowances to teachers are at the rate of about thirty-seven thousand three hundred and fifty-six pounds ten shillings (£37,356 10s.) a year.

Unless, therefore, it be the intention of the Government to place the Commissioners in a position to make such payments on account of 1862 as will enable them to meet present engagements, it will be necessary for the Board to give notice to the teachers before the end of the present month.

I have the honor to be,
Sir,

Your most obedient Servant,
(Signed)

The Honorable the Treasurer,
Melbourne.

BENJN. F. KANE.

MEMORANDUM of AGREEMENT made this day of 186
BETWEEN the Board of National Education for the Colony of Victoria of the one
part (hereinafter termed the "party of the first part") and of
the other part (hereinafter termed the "party of the second part.")

WHEREAS the said party of the second part hath been appointed a teacher in the National School at the said party of the second part in consideration of such appointment doth hereby engage to conform to and be bound by all such regulations of the said party of the first part as are now in force and to such as may be hereafter promulgated by the authority of the said party of the first part with respect to rate of salary or allowances or any other matter or thing and a copy of any regulations or rules delivered to the said party of the second part or directed to the said party of the second part at and posted in the Post-office in Melbourne or published in the *Government Gazette* of the Colony shall be sufficient proof of notice of such regulations or rules having been given to the said party of the second part.

AND it is hereby further agreed that if the said party of the first part shall at any time desire the removal of the said party of the second part from the above-named situation the said party of the

first part shall give or cause to be given to the local patrons of the school One month's notice in writing of such intention or shall pay to the said party of the second part One month's salary in lieu of such notice in full of all demands.

AND it is hereby further agreed that if the said party of the second part should desire to terminate his engagement with the said party of the first part he shall do so by giving One month's notice of such intention to the said party of the first part through the local patrons of the school.

Witness the hands of the said parties the day and
year first above written. }

Witness to the signature of BENJAMIN F. KANE, }
Secretary to the said Board, }
In the Board of National Education.

Witness to the signature of the said—

Secretary.

NOTE.—This agreement is to be signed by every person employed in a National School—whether Teacher, Assistant, Workmistress, Pupil Teacher, or paid Monitor. Three copies of the agreement are to be signed: one to be retained by the Local Patrons, one by the Teacher, and one to be returned to the National Education Office.
No salary will be paid until this agreement shall have been signed.
The Teacher's signature is to be witnessed by the Correspondent, or, in his absence, by one of the other Patrons.

[COPY.]

61 | 5987.

Treasury, Melbourne,
26th November, 1861.

SIR,

I am directed by the Honorable the Treasurer to inform you, in reply to your letter of the 20th instant, No. 3388, that, under the circumstances stated, he can only suggest the advisability of your at once giving to the teachers employed in the National School the notice rendered necessary by the agreement entered into with them by the Board.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed)

E. S. SYMONDS.

The Secretary

To the National School Board.

[COPY.]

No. 3661.

National Education Office,
Melbourne, 4th December, 1861.

SIR,

I have received, and laid before the Commissioners of National Education, the Under-Treasurer's letter of the 26th ultimo, No. 5987, in which it is stated, that, under the circumstances mentioned in my letter of the 20th *idem*, you can only suggest the advisability of the Commissioners at once giving to the teachers employed in the National School the notice rendered necessary by the agreement entered into with them by the Board.

2. In reply, I am directed to point out that, in consequence of the time that has elapsed since the date of my letter of the 20th ultimo, it will be too late to give the notices for the 31st December, 1861, but that, if you consider it necessary, they can be given for the 31st January, 1862.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed)

BENJN. F. KANE.

The Honorable

The Treasurer, Melbourne.

[COPY.]

61 | 6430.

Treasury, Melbourne,
23rd December, 1861.

SIR,

I am directed by the Treasurer to acknowledge the receipt of your letter of the 4th instant, relative to the notice required to be given to school masters employed by the National School Board, and, in reply, to state that the Treasurer can add nothing to his suggestions already made in his communication of the 26th ultimo.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed)

E. S. SYMONDS.

The Secretary

To the Board of National Education.

CONDITION OF THE SHIPPING IN HOBSON'S BAY.

Return to Address:

THE HONORABLE W. HULL.—11TH MARCH, 1862.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE W. H. F. MITCHELL, 8TH APRIL, 1862,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 9TH APRIL, 1862.

A copy of Commander Seymour's note dated 31st January, 1862, respecting the exposed and defenceless condition of the shipping in Hobson's Bay; and also any communication from Commodore Seymour, offering the services of the ship's company of the *Felorus* to assist in preparing the defences of the place.

ABSTRACT of Correspondence relating to Commander Seymour's offer of his men to assist in preparing the defences:—

No. of Correspondence.	Date.	From	To	Subject.
62 | 233	15th January	Under Secretary ...	Under Treasurer ...	States that Commander Seymour has offered the services of his men to assist in mounting guns, &c.
Minute upon 62 | 233	16th January	Under Treasurer ...	Captain Scratchley	Asks whether the services of the men can be made available.
Minute upon 62 | 233	21st January	Captain Scratchley	Under Secretary ...	Proposes to employ the men of the Royal Artillery.

NOTE.—The offer of the services of the men of the *Felorus* was made by Commander Seymour verbally, not by note.

62R | 233.

Chief Secretary's Office,
Melbourne, 15th January, 1862.

SIR,

I have the honor, by desire of the Chief Secretary, to inform you that Captain Seymour will be here till the 31st instant, and will be happy to lend his men to assist in mounting guns, or in any other work that may be required of them.

I have the honor to be, Sir,

Your most obedient servant,
(Signed) J. MOORE.

The Honorable
the Minister of Finance.

Copy of Under Treasurer's minute on letter No. 62R | 233.

Referred to Captain Scratchley, who will perhaps be good enough to ascertain from the Board appointed to inspect warlike stores whether the services of the men alluded to can be made available for the purpose stated.

16 | 1 | 62.

(Signed)

E. S. SYMONDS.

Copy of Captain Scratchley's minute dated 21st January 1862, on letter No. 62R | 233.

I propose employing Royal Artillery in this service, and do not recommend the employment of the men of H.M.S. *Pelorus*.

21 | 1 | 62.

(Signed)

P. H. SCRATCHLEY,
Commanding Royal Engineers.

No. 62 | 102.

*A Copy of Commander Seymour's note, dated 31st January, 1862, respecting the exposed and defenceless condition of the Shipping in Hobson's Bay.**Pelorus*, Hobson's Bay,
31st January, 1862.

SIR,

It being my intention to quit Port Phillip to-morrow, for Sydney, with a view of meeting there the officer who has been appointed to succeed me in the command of the Australian station, I consider it my duty, before leaving Victorian waters, probably for the last time, to bring to Your Excellency's notice, some points connected with the defences of Hobson's Bay, which in my opinion have not received the attention they deserve.

The first and most important is that of the battery which it has been proposed to erect in shoal water, about 1460 yards south of the Government Pier at Sandridge, but for which no provision has been made on the estimates, although its necessity has been acknowledged by nearly every practical man who has taken the subject of the defences into consideration. I deem its erection indispensable for the security of Hobson's Bay, and I earnestly recommend Your Excellency to urge upon the Government of Victoria the advisability of no longer delaying its construction.

Secondly—The guns in the wooden battery on the Williamstown Railway Pier cannot be worked until 120 feet of the rails nearest the S.E. end of the pier have been taken up. This can be done without inconveniencing the traffic, as there is a double line of rail there, and only the southernmost line of the two, abreast of which no ships ever lay, would have to be removed. At present the battery is useless, from there not being sufficient space to work the guns.

Thirdly—No provision has been made in the event of war for the shipping in Hobson's Bay being removed out of the line of fire from the batteries. Arrangements for this should be made forthwith, and instructions to that effect should be inserted in the Port Regulations.

The Honorable the Major General Commanding in Australia has been most anxious that an anchorage should be selected to which all shipping not alongside the piers, should be obliged to repair in time of war, and I recommend that they should be directed to anchor in a line N. 20° E. magnetic from the head of Williamstown Railway Pier, within which there is plenty of water for ships of large tonnage.

Lastly—Having been given to understand by the Commanding Royal Engineer, that great objections have been raised to giving up sites for the field works which it has been proposed to throw up between the Yarra River and the old Sandridge Battery, I would venture to remind the Colonial Government that such a policy is suicidal. The land required is of no value whatsoever, but from its nature it is impossible to throw up works upon it with rapidity, and I earnestly hope that the transfer of the land in question from one Colonial department to another may not be delayed until an enemy's force is off the Heads. Small batteries will be required there under any circumstances, and the sooner the officer entrusted with the construction of the defences is empowered to commence them the better it will be for the Colony at large.

I have the honor to be, Sir,

Your most obedient servant,

(Signed)

T. BEAUCHAMP SEYMOUR,
Commodore.His Excellency Sir Henry Barkly, K.C.B.,
&c., &c. &c.,
Governor of Victoria.

1861-2.

VICTORIA.

DEFENCE COMMISSION.

Return to Address:

THE HONORABLE W. HULL.—25TH MARCH, 1862.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE W. H. F. MITCHELL, 8TH APRIL, 1862,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 9TH APRIL, 1862.

RETURN to an Address of the Legislative Council to His Excellency the Governor, dated
25th March, for—

A COPY of the Report and Papers addressed to the Honorable the Treasurer by the Defence
Commission, in reference to Commander Seymour's communication to His Excellency
the Governor, dated 31st January last.

Two Enclosures.]

[COPY.]

Melbourne, 1st March, 1862.

SIR,

I have the honor to inform you that the Defence Commission have had under their consideration the copy of a letter addressed to His Excellency the Governor, by Commodore Seymour, dated 31st January last, accompanying your letter of the 12th inst., on certain points connected with the defence of Hobson's Bay.

With regard to the first subject mentioned—the Commissioners quite agree with that officer, that a battery on or near the shoal off the Government Pier, at Sandridge, is indispensably necessary, more especially as there is no immediate probability of the heavy rifled guns intended to be mounted in various positions around Hobson's Bay being obtained from England.

Three positions have been considered by the Defence Commissioners, viz.:—a fort of solid masonry; a battery to be built on piles; and a floating battery to be procured from England.

The Commissioners are unable to advise the adoption of the first, in consequence of the very great expense and delay which its construction would involve.

A floating battery was applied for some time since by the Government of this colony, and an answer returned to the effect that the Admiralty were unable then to comply with the request.

If, however, a block-ship were provided, a very large outlay would be requisite for repairs and maintenance, &c. In these and other weighty reasons, the Commissioners do not feel disposed to recommend that a floating battery be placed at this point, even if obtainable, which is doubtful.

The Commissioners are informed by Captain Scratchley, R.E., that a battery built upon piles, to mount twelve 68-pounder guns, could be erected in eight months from the time of commencement, at a cost of £21,954, including armament. They have, therefore, no hesitation in recommending that funds to the extent above-named should be at once provided—that the battery should be commenced without delay—and that they be authorized to instruct Captain Clarke, by the next outgoing mail, to procure and forward immediately the required additional number of 68-pounder guns.

The Commissioners are further of opinion that provision should be made in the construction of this battery for covering hereafter the upper portion with iron plates, although it is not deemed requisite that they should be fixed at present.

The Defence Commissioners are aware that the guns at the head of the Railway Pier cannot be worked while the line of rails next to the bulwark exists as at present, and they request that 120 feet thereof, near the south-east end of the pier, may be at once removed, and

that such portion of the pier itself be handed over to the Commanding Engineer, in order that the laying of the racers for the guns, which have recently arrived per *Queen of England*, may be proceeded with. It is believed that the absence of the rails above mentioned will not interfere with the traffic of the pier.

The Commissioners fully concur with Commodore Seymour in the opinion that the shipping in Hobson's Bay should, in time of danger, be moored in such a position that they would not obstruct the fire of the batteries; and they request that the Chief Harbor Master may be instructed to cause such vessels to be anchored to the westward of a line drawn from the Railway Pier at Williamstown towards the Sandridge shore, as recommended by Commodore Seymour.

With reference to the fourth question mentioned in the letter under notice, the Defence Commission would particularly urge upon the Government the necessity of at once reserving for defensive purposes, and duly proclaiming the whole of the sites recommended by Captain Scratchley, R.E., a portion only having been as yet reserved.

The attention of the Commissioners has been drawn to the probability of great difficulty being felt, on an emergency, in efficiently manning the guns in course of being mounted around Hobson's Bay—irrespective of the requirements of the central battery—and they urgently recommend, for the consideration of the Government, that the Royal Victoria Volunteer Artillery and Naval Brigade be largely increased, in proportion to the number of guns in position; the increase of the Artillery to be, if possible, effected in the seaboard districts.

Provision will require to be made for the maintenance and periodical repair of the several defensive works.

The expense of maintenance will be about two and a half per cent. on the original cost annually, and extensive repairs of a more general nature at intervals of probably five years.

In conclusion, the Commissioners feel that they cannot urge too strongly the Government to sanction the immediate erection of the pile battery, and the increase of the volunteer corps previously named; and to direct that every possible exertion be used to expedite the completion of the batteries in course of construction at Sandridge and Williamstown, as they consider it to be of the most pressing importance that the 68 and 32-pounder guns, now in the colony, should be placed in position with the least possible delay.

I may mention that, in deciding upon the points previously touched upon, the Commissioners have had under consideration a report by the officers commanding the artillery and engineers upon the further defence of Hobson's Bay, and a memorandum by Captain Scratchley upon the completion of the defences of this port. While the Commissioners recognize the importance of Parliament deciding on the questions Captain Scratchley mentions in the latter part of his memorandum, they are of opinion, that the complete defence of the bay is of too urgent, if not vital, importance, to admit of the slightest delay.

I have the honor to be,

Sir,

Your most obedient humble Servant,

(Signed)

WM. STOKES,

Secretary Defence Commission.

The Honorable the Minister of Finance.

REPORT BY THE OFFICER COMMANDING ROYAL ARTILLERY IN VICTORIA, AND THE
COMMANDING ROYAL ENGINEER, UPON THE FURTHER DEFENCE OF HOBSON'S
BAY, AS RECOMMENDED BY COMMODORE SEYMOUR, R.N., COMMANDING IN THE
AUSTRALIAN WATERS.

Melbourne, 28th February, 1862.

1. After a careful consideration of that portion of Commodore Seymour's communication to His Excellency the Governor upon the defences of Hobson's Bay, which relates to the erection of a central fort in that bay, and after having made an inspection of the site proposed and an examination of the several localities, we are of opinion that, without a central fort, the defence of Hobson's Bay cannot be considered to be complete; but for reasons subjoined we are induced to recommend that the question be left to the decision of the Government.

2. These reasons are:—

(1.) The expense.

(2.) The difficulty of manning the guns.

(3.) The uncertainty as to the best mode of protecting sea coast defences against modern ordnance.

3. The cost of a masonry fort mounting twelve guns (and we would remark that a smaller number should not be placed in the position named) would be from £65,000 to £70,000; that of a pile fort £16,554; armour-plated probably £28,554; both without their armaments.

4. The number of men required for a fort or battery of twelve guns would be about 180.

5. It is as yet undecided whether wrought iron or masonry is the best material for resisting the destructive effects of rifled ordnance.

6. We are of opinion that these three points are of the very greatest importance, and should be carefully considered; and we would draw particular attention to the second, viz., "The difficulty of manning the guns," as we consider that the batteries erected for the defence of Hobson's Bay are quite out of proportion to the number of artillerymen available for service in them.

7. The strength of the Volunteer Artillery is about 670, that of the Naval Volunteers 180, Royal Artillery not included. There are only 850 men, and the number of guns mounted on the shores of Hobson's Bay will be forty-four.

Men would also be required for the Armstrong guns, for the remainder of the heavy guns (three 68-prs.) not mounted, and for other services; moreover it would be impossible for the volunteers to assemble as promptly as a regular force on any sudden emergency.

8. With respect to other means which might be adopted for the defence of the bay, we are of opinion that, owing to the retired position of the piers at Sandridge, heavy guns should not be mounted upon them; but we would recommend that provision be made for moving any rifled ordnance (there might be in the Colony) in the event of an attack, to the head of those piers.

9. With respect to the inner defence of the bay, we consider that it would be unadvisable, owing to the want of artillerymen, to erect permanent batteries for the purpose; and we would recommend that "emplacements" with small expense magazines be erected instead.

10. In reviewing the arrangements that have from time to time been made for the defence of the Colony, we have remarked, that the recommendations of the Defence Commission have not resulted in the establishment of any permanent system of defence, and we would urge the necessity for doing so before any further expenditure be incurred, either in the purchasing of ordnance or in the erection of new defensive works.

(Signed) E. T. W. PURCELL, Captain,
Commanding Royal Artillery in Victoria.

(Signed) P. H. SCRATCHLEY, Captain R.E.,
Commanding Royal Engineers.

With 62R | 1665.

[COPY.]

MEMORANDUM.

Commanding Royal Engineers' Office,
28th February, 1862.

1. I submit for the consideration of the Honorable the President and Members of the Defences Commission a few remarks relative to the communication addressed to His Excellency the Governor by Commodore Seymour, R.N., commanding Her Majesty's ships in the Australian waters.

2. Commodore Seymour confines himself to the consideration of the following points:—

1st. The necessity for a central fort in Hobson's Bay.

2nd. The impossibility of mounting guns on the Williamstown pier Battery until 120 feet of the rails next to the bulwark have been removed.

3rd. The importance of defining the limits within which ships trading at this port should be moored, in the event of an attack.

4th. The necessity for reserving for defensive works such sites as may be selected on the shores of Hobson's Bay.

2. With regard to the second point, I would recommend that immediate application be made to the Government for the removal of the 120 feet of rails at the head of the Railway Breakwater Pier at Williamstown, in order that no time may be lost in mounting the guns, when the necessary fittings for their platforms arrive in the *Queen of England*.

3. With regard to the third point, I should remark that I accompanied Commodore Seymour on a visit to the different batteries, and cannot urge too strongly the necessity for Port Regulations being issued by the Department of Trade and Customs at once, defining the limits of the anchorage of ships in Hobson's Bay in the event of an attack, as recommended by the Commodore; viz. : within a line bearing N. 20° E., magnetic, from the head of Williamstown Railway Pier towards the Sandridge side.

Moreover, no ships should be allowed to remain off either the Hobson's Bay Railway Pier or Sandridge Government Pier in the event of an attack, as it is proposed to prepare the heads of these piers for the reception of rifled cannon, to be directed upon ships engaging the Williamstown and Sandridge Batteries.

If ships were allowed to remain they would draw a considerable amount of fire upon these piers; and should the ships be set on fire by the enemy, it would be necessary to abandon these positions.

In my report dated the 22nd September, 1860, I recommended these steps to be taken.

4. In reference to the fourth point, I would recommend that the whole of the sites applied for by me at Sandridge and Williamstown for defences should be proclaimed Reserves at once.

Only a portion of these sites have been as yet reserved by the Board of Land and Works.

The main objections raised against reserving the whole of the land were, that it was necessary to allow fishermen and others located on the shores of Hobson's Bay free access to the sea.

I see no objection to this; and provided the positions selected for this purpose be not covered with extensive buildings and works likely to interfere with the defences, they should be excepted.

It is unnecessary for me to furnish plans of these sites, for full details were given in reference to them at the time I applied for the "reserves."

It is necessary that I should point out that, unless this be done, it will be impossible to encourage the growth of scrub, &c., so much needed at Sandridge; and erections like the Hobson's Bay bathing establishment, fishermen's huts, and the proposed salt works at Williamstown, would grow up in all directions, and seriously, if not effectually, destroy the utility of the batteries.

In regard to the salt works, I may remark that the site selected by the projectors of the manufactory was so close to the batteries at Williamstown that two of them, mounting thirteen guns, would have been rendered perfectly useless. Fortunately the matter was referred for my consideration, and since that a large portion of the proposed Williamstown Defence Reserve has been proclaimed, but not the whole.

Commodore Seymour is perfectly correct in stating that the land is of no value whatever, but from its nature it is impossible to throw up works on it with rapidity.

5. The remaining point to be considered is that of having a central fort or battery in Hobson's Bay; and as the subject is of great importance, I may be permitted to enter rather largely into its consideration.

All military and naval officers who have reported or given their opinion upon the best mode of defending Hobson's Bay concur in the absolute necessity of having such a fort.

I fully concurred with these opinions in my report of the 22nd of September, 1860, and after the most careful reconsideration, I see no reason for altering my views on the subject.

The officer commanding the Royal Artillery in Victoria, with whom I have consulted, is of the same opinion; but for reasons which I will give, we are induced to leave the decision in the hands of the Government.

When the batteries now in course of erection are completed, the entrance and approaches to the anchorage of Hobson's Bay will be defended by seventeen guns (32 and 68 pounders) on the Sandridge side, and twenty-seven guns (32 and 68 pounders) on the Williamstown side.

The distance between Sandridge and Williamstown is more than 4000 yards, and the effective range of 68-pounders 2000 yards. Ships, therefore, would not be effectually resisted until they came within the area defended by the cross fire of the batteries.

With a fort of twelve 68-pounder guns placed in the centre of the Bay, and dividing the distance between Sandridge and Williamstown, the attacking ships would be met by its fire 2000 yards sooner; and moreover, from the relative positions of the fort and the batteries, no ships could engage either the Sandridge and Williamstown batteries or the central fort without being raked by the fire of the others; nor could they advance to the attack, or attempt an entrance into the harbor, without being exposed to *the direct raking fire of twelve guns*, besides that of the Williamstown batteries on other portions of their hulls.

If the fort were to be armed with heavy rifled ordnance, say with a range of 5000 yards, and manned by experienced gunners, it is my belief that ships would be so crippled that they would not be able to come within range to engage, with any hope of success, the other batteries; and on inspection of the chart it will be seen that, unless the ships kept beyond 2000 yards from the battery on the extreme right at Williamstown, the 68-pounders in this battery would cross the fire of the central fort at 5000 yards from it.

If ships kept at 2000 yards from the battery, which they could only do during a portion of their course towards the harbor, they could not effect their object, viz., the destruction of the shipping in Hobson's Bay.

6. The principal objections to the erection of the fort are—first, the expense; second, the difficulty of manning the guns; third, the uncertainty as to the best mode of protecting sea-coast defences against modern ordnance.

A masonry fort of twelve guns, in two tiers, would cost from £65,000 to £70,000, without its armament.

This estimate, however, can be but approximate, as I have not sufficient data for forming an exact one. To do so, it would be necessary to carefully sound the site of the fort, drive trial piles, ascertain the nature of the bottom, the depth of the sand, &c., &c.; and as the money which has been voted from time to time has only sufficed to complete the shore batteries, I have not felt myself justified in incurring any expense in preparing the estimate of a work for which it was highly improbable money would be voted by the Parliament.

In estimating for the erection of a pile fort, however, the case is different. The cost of one for twelve guns would be about £16,554, and if cased with wrought iron plates, probably £28,554.

(2.) The difficulty of manning the guns.

The number of men required for a battery of twelve 68-pounders, including those for the service of the magazines, &c., would be at least 180; and when it is considered that no less than 650 men would be necessary in the other batteries, besides a large number employed in supplying the expense from the main magazines, with the field artillery at the pier heads, &c.,

and other duties, it becomes a matter for serious thought whether the Government should not direct their attention to this all-important point; and here I would again, as on a former occasion, point out the necessity of increasing the strength of the volunteer artillery.

This is a subject which does not admit of delay; and I would remark that I am opposed to the proposition of training volunteers to be gunners and riflemen at the same time, as they would, in my opinion, be of very little use; for it cannot be expected that any but professional soldiers would be able to learn the use of two essentially different arms sufficiently to enable them to act with effect in the field or in the batteries.

(3.) The uncertainty as to the best mode of protecting sea coast defences against modern ordnance.

It has been a disputed point since the invention of rifled cannon, whether wrought iron should not enter largely into the construction of sea coast defences; and again, whether that material should be used in combination with wood or masonry.

Recent experiments show that plates from 6 to 6½ inches in thickness cannot resist the heavy Armstrong guns.

It is improbable that the ships which would attack this port (privateers or small ships of war) would be armed with rifled cannon, at least for some years to come; but whatever defences are erected now, they should be of such a nature as to be efficient in future years.

However, the main difficulties to be contended with are, the expense and number of men required, both of which can be overcome; and also the third, by substituting a small block ship.

7. The idea of purchasing and maintaining a block ship of any great size cannot be entertained, neither would it be advisable to fit out a smaller one with steam machinery.

If a block ship is to be procured, she would always be stationary in the bay, and not required to manœuvre during an action.

The following tabular statement is compiled from an estimate furnished by the Admiralty of the cost of ships of war of various descriptions:—

CLASS OF VESSEL.	Cost		Cost of Maintenance		Cost of sending to Australia.
	With Machinery.	Without Machinery.	With Machinery.	Without Machinery.	
	£	£	£	£	£
Gun boat, small	7,847	6,633	627	538	642
Gun-boat, largest size	13,530	9,144	1,132	780	1,090
Floating shot-proof battery, small	61,345	50,768	4,557	3,867	} 3,772
Floating shot-proof battery, largest size	85,708	73,180	5,232	4,452	
Converting a 74 into a 60-gun blockship, 450 horse-power	65,384	...	7,122	...	6,715
Converting a 74 into a 60-gun blockship, 200 horse-power	34,348	...	6,152	...	6,842

It would be difficult, from the statement, to estimate what the cost of a small block ship would be. It would not, however, be much less than the erection of a pile fort, and the latter would last three or four times the number of years, without anything like the annual expense of maintenance.

At the same time the steadiness of the fort is in its favor, as against the floating battery or block ship, which must always be affected more or less by the swell in the bay, and the concussion of the firing from her guns—a matter of very serious consideration under a continuous heavy fire.

8. With respect to other means of defence, viz.:—arming the pier-heads at Sandridge with heavy smooth-bored guns.

The main objection against this is in their retired position, which would not justify the expense. From the head of Sandridge Government Pier, and from that of the Hobson's Bay Railway to the Williamstown Pier Battery are respectively 2,800 and 2,500 yards, at which ranges the 68 pounders would be of little service, unless the ships had entered well into the Bay, and they would be of no assistance to the other batteries.

On the contrary, however, rifled guns would be well adapted to this purpose; but, as great uncertainty prevails as to their perfect efficiency, this is impracticable, and beyond making the necessary arrangements for moving down, in the event of an attack, the 12-pounder Armstrong guns in the colony to the heads of these piers at a moderate cost, I would recommend that nothing more be done on this point.

9. Whether a central fort be erected in Hobson's Bay or not, it would appear, on consideration, advisable to place in position at Queenscliff, in the battery already commenced, some heavy guns, were a sufficient number of gunners available for working them.

For the present, the battery should be an open one, and the larger the number of guns in it the better.

The number I recommended in my report of the 22nd September, 1860, was eleven.

The cost of mounting eleven guns would be about £10,554, including the necessary magazine accommodation, and barracks for a small detachment of Royal Artillery, but without the guns.

Of the thirty 68-pounders in the colony, twenty-seven will be mounted on the shores of Hobson's Bay.

Eight more guns would have to be procured at a cost, including stores, &c., of about £5000.

The cost of the twelve guns for the central fort would be about £7900.

To erect, therefore, a central pile fort, not cased with iron, and a battery for eleven guns at Queenscliff, would require a sum of £40,008.

As the order for the supply of rifled guns has been temporarily suspended, there are sufficient funds in Captain Clarke's hands for defraying the cost of the twenty 68-pounders.

10. In conclusion, I would again impress upon the attention of the Commissioners the inutility of discussing schemes of defence in detail, or in fact, taking any question into consideration as regards the defences, until the main points alluded to by me in my various reports have been decided.

These points were—

1st. The nature of the attacks against which the colony has to be provided.

2nd. The force of regular and volunteer troops it is proposed to maintain.

3rd. The maximum expenditure it is proposed to incur in constructing the works, in obtaining their armament, in providing the necessary munitions of war, and accommodation for the *personel* and *materiel* required for the whole scheme of defence.

What amount can annually be expended in keeping up the scheme of defence?

Without wishing to be thought as stepping beyond my professional opinions, it is evident to me that no permanent scheme can be initiated unless resulting from the action of the two Houses of Legislature, and therefore not liable to be interrupted by changes of Government.

(Signed)

P. H. SCRATCHLEY,
Commanding Royal Engineers.

VICTORIA.

GUNPOWDER IMPORTED.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HONORABLE G. W. COLE.—2ND APRIL, 1862.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE W. H. F. MITCHELL, 29TH APRIL, 1862,
AND ORDERED BY THE COUNCIL TO BE PRINTED 21ST MAY, 1862.

RETURN of the Quantity of Gunpowder Imported in 1855, 1856, 1857, 1858, 1859, 1860,
and 1861; the declared Value of the same; the Country imported from; also, a Return
of Saltpetre for the same Years, and the declared Value of the same.

VICTORIA.

A RETURN of the QUANTITY and DECLARED VALUE of GUNPOWDER and SALTPETRE
imported into the Colony from ALL PARTS during the Years 1855 to 1861, inclusive.

It is impossible to give more minute particulars during the period embraced in this trio, owing to the
Statistics having been kept on the old system.)

ARTICLES.	Countries whence imported.	1855.		1856.		1857.	
		Weight.	Value.	Weight.	Value.	Weight.	Value.
Gunpowder	Great Britain ...	lbs.	£	lbs.	£	lbs.	£
	United States ...	416,586	17,408	1,034,931	42,596	631,498	18,027
	Foreign States ...	and	8,802		1,060		920
	Elsewhere ...	1,010 pkgs.	1,333		15		...
			27,543		2,847		6,255
					46,518		25,202
Saltpetre	Great Britain ...	cwt. pkgs.	£	...	...	tons. cwt.	£
	Elsewhere ...	10 and 74	61			7 1	249 90

(From the beginning of 1858 the compilation of the Trade Statistics of this department was altered to suit
the views of the Imperial Government, having reference to a general uniformity in such matters over
the British Empire.)

ARTICLES.	Countries whence imported.	1858.		1859.		1860.		1861.	
		Weight.	Value.	Weight.	Value.	Weight.	Value.	Weight.	Value.
Gunpowder	United Kingdom...	lbs.	£	lbs.	£	lbs.	£	lbs.	£
	New South Wales	591,475	24,040	633,091	29,561	1,967,857	81,766	1,079,873	40,003
	South Australia...	672	168	5,000	315	...	...	...	...
	Tasmania ...	40	10	...	...	...	...	...	...
	New Zealand ...	126	14	17,147	901	11,200	510	5,900	385
	New York ...	...	...	3,450	200	...	...	2,500	187
	Boston ...	7,300	365	53,000	2,600	180,780	6,010	56,004	1,600
	Timor ...	...	...	15,000	820	120,000	3,525	...	...
		...	...	1,950	150	...	...	...	...
	TOTAL ...	599,613	24,597	728,638	34,547	2,279,837	91,811	1,144,277	42,175
Saltpetre	United Kingdom...	tons. cwt.	£	tons. cwt.	£	tons. cwt.	£	tons. cwt.	£
	Calcutta ...	15 10	380	31 18	1,485	36 13	1,951	32 4	1,922
	New South Wales	2 0	75	9 3	235	3 0	110	0 15	30
	Tasmania ...	...	...	1 6	60	...	...	...	...
			...	...	0 8	50	...	...	...
	TOTAL ...	17 10	455	42 15	1,830	39 13	2,061	32 19	1,952

J. CHATFIELD TYLER,
Secretary.

Department of Trade and Customs,
Melbourne, 24th April, 1862.

H. W. SPAIN.

By Authority: JOHN FERRES, Government Printer, Melbourne.

VICTORIA.

H. M. S. S. "VICTORIA."

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE W. H. F. MITCHELL, 20TH MAY, 1862,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 21ST MAY, 1862.

RETURN of the Amount Expended in the Maintenance of the Colonial Sloop of War *Victoria* during her absence from the Colony on Imperial service in New Zealand; together with a Return of what Sum has been repaid to this Colony by the Imperial or New Zealand Governments.

I.

RETURN OF THE AMOUNT EXPENDED IN THE MAINTENANCE OF THE COLONIAL SLOOP OF WAR "VICTORIA," WHILE EMPLOYED ON IMPERIAL SERVICE DURING 1860 AND 1861.

	£	s.	d.	£	s.	d.
Pay, 1860	7,191	11	6			
Pay, 1861	4,963	8	11			
				12,155	0	5
Rations, light, water, repairs (not including subsequent re-fit on her return to Hobson's Bay), coals, and incidental expenses				5,891	10	6
Balance of Account furnished by the Imperial Commissariat against the <i>Victoria</i> , and not yet settled				419	3	5
TOTAL				£18,465	14	4

II.

RETURN OF SUMS REPAID BY THE IMPERIAL OR NEW ZEALAND GOVERNMENTS.

The cost of the fuel used while on the above service was defrayed by the Imperial Commissariat, amounting to the sum of	£2,818	3	5
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NOTE.—In this Return the *Victoria* is considered to have been employed continuously on Imperial service between 1st April, 1860, and 30th April, 1861. The exact time is as follows:—She sailed from Hobson's Bay on 19th April, 1860, and returned on the 10th of the same month in the ensuing year; but before her departure some time was occupied in preparing her for the service, and her crew were not paid off until some weeks after she came back to this port, when the war was concluded.

Chief Secretary's Office,
20th May, 1862.

J. MOORE.

1861-2.

VICTORIA.

DEPARTMENT OF RAILWAYS.

AUDIT COMMISSIONER'S REPORT ON THE BOOKS AND ACCOUNTS.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE W. H. F. MITCHELL 3RD JUNE, 1862,
AND ORDERED BY THE COUNCIL TO BE PRINTED 17TH JUNE, 1862.

(COPY.)

1861.

INSPECTION OF THE BOOKS AND ACCOUNTS OF THE DEPARTMENT OF RAILWAYS.

REPORT.

Railways.

THE present must be considered in the light of a Progress Report, for the accountants employed to bring up a set of books from the commencement have not yet brought their labors to a conclusion ; and, until they shall have done so, a full and final report upon the subject is not practicable.

At the date of my visit, the accounts to 31st December, 1858, were being closed ; but in addition to this, much of the requisite information for posting the transactions of the following year had been obtained and arranged for use.

According to the best of my judgment the work is being conducted in an efficient manner ; and a hope may, I think, be entertained that the accounts, when completed, will be found to answer their purpose fully. It was pointed out by Mr. Yeats (the accountant employed) that none of the expenses of the Engineer-in-Chief's department had been charged to the loan, notwithstanding that a large portion must have been incurred on account of "construction." I was aware of the fact before. Doubtless whatever expenses are incurred in the "construction" are really a proper charge upon the loan, but it must be borne in mind, that the Legislature has thought fit, irrespective of the loan, to vote certain sums for this service from the consolidated revenue ; and although the Board of Land and Works may deem it expedient hereafter to take the matter into consideration, with the view of deciding whether a transfer shall be made, it is of importance that, in the meantime, the expenses defrayed from votes of the Legislature should be kept entirely distinct from those defrayed direct from the loan ; and it is not desirable that any transfer should be made, until the question has been fully considered and decided upon by competent authority. The accounts of the current year have not been delayed pending the completion of the arrears, but have been kept by the accountant permanently attached to the department, and I caused a balance sheet to be prepared, showing the position of the accounts (so far as they related to the current year) to the 30th September last. Two sets of accounts have been opened : One relating to the votes, authorities, and expenditure ; the other to the revenue expenditure and contracts. The accountant having foreseen that to blend these different accounts in one ledger would have the effect of confusing the whole, and not only prevent the establishment of a check, such as is now offered by the plan actually adopted, but would also greatly increase the chances of error, and render it difficult to discover inaccuracies, should any occur ; whilst, however, the two sets of accounts have been kept quite distinct, they have been arranged in such a manner that they can be compared at any time, and the results shown by the one made to check those shown by the other. So far, this is satisfactory ; and the accountant has, I think, shown good judgment in what he has done. Eventually, however, the plan adopted in respect of accounts of revenue expenditure and contracts will have to be modified to some extent ; for at present

they are arranged more for the purpose of meeting the requirements of the Government regulations than to afford the information usually supplied by the books of a railway department. It was scarcely to be expected, perhaps, that a system could be at once started that would accomplish both purposes, and at the same time admit of the different accounts being so arranged that they would dovetail into those of previous years, the latter being still only in course of formation. The accountant has, therefore, in my opinion, acted judiciously in securing the accomplishment of one important object, and in deferring the other until placed in a position to carry it out with effect. So soon as the arrears have been fully worked up, the results arrived at, after being properly verified, will form a correct starting point for the accounts commencing with the year 1861, and the system upon which the books shall be finally arranged can then be determined.

The audit and goods' sheds departments received a full notice in last year's report.

It was then pointed out that the former scarcely evinced so constant and regular a check over the latter as was desirable. Since then the objection has been, to some extent, removed. The audit clerk has a set of books posted in his own office from the periodical returns received from the different stations, and at intervals of a month compares the results obtained from these accounts with the results brought out in the books kept by the goods' clerk. If they agree, they are considered to be correct; if they do not, then a further investigation takes place, and the errors are discovered and removed. It must be evident, however, I think, that if the returns from which the accounts kept by the audit clerk are posted are sufficient to bring out correct results by means of a new set of accounts, a direct comparison of these returns with the accounts at the goods' shed would be equally effectual, and that the labor of keeping an additional set of accounts would be saved. Moreover, this latter place would have the further advantage of necessitating an examination in detail of the whole of the accounts at the goods' shed, instead of only such of them as happen to differ from those kept by the audit clerk.

It cannot be doubted that an examination of this kind at short intervals is very necessary, for the accounts of book debts are rendered, as well as prepared, by the goods' clerk; and under these circumstances he can only say whether the debit balances represent actual debts, or whether any portion of them consists of over debits, or of moneys that had been recovered, but omitted to be entered. The only check against error or irregularity in either respect is to subject the details of the accounts to periodical investigations (say every month), and the audit clerk appears to me to be the proper person to carry out the investigation. Even this would not be absolutely effectual, unless the monthly accounts were rendered through him, instead of by the goods' clerk; for by this means only could it be ascertained whether the credit entered in the books represented the full amount that had been recovered. In short, it depends very materially upon the audit clerk to keep a proper control over these accounts; and I am of opinion that an examination of the accounts in the way I have mentioned should be made at an early date.

I would not, however, recommend that the accounts kept by the audit clerk, as already mentioned, should be discontinued. I may mention that I entered very fully into an explanation of my views on these subjects to Mr. Down. I caused a balance sheet to October 31st, 1861, to be prepared from the accounts kept by the audit clerk, and having examined it with the books at the goods' shed, and found that the results agreed, the following was the state of the accounts at that date:—

Amount owing by Government Department.....	£1,653	11	10
„ for Goods at the several Stations...	9,954	10	2
		<hr/>	
	£11,608	2	0

The accounts against Government departments are collected monthly, and those for goods at different dates. The £9,954 10s. 2d. above mentioned includes a sum of £2,670 12s. 8d. for the conveyance of material on account of Government railways. I was informed that a claim had been made for the amount on three different occasions, but had not yet been liquidated.

I inquired carefully into the means adopted by the audit clerk for keeping a proper account of railway tickets, and was satisfied with the information I obtained. I caused stock to be taken of the tickets in Mr. Down's possession, and the results compared with the books: they were found to agree.

The Store Department has been placed upon a satisfactory footing since the department was last reported upon. The accounts are necessarily very minute and elaborate, but they have been arranged in a clear and systematic form; and if proper attention be given to them (and there are no grounds for doubt upon this point) they will, I feel convinced, be found to be fully adequate to the requirements of the service. The present storekeeper has wisely adopted the plan of demanding a requisition, approved by competent authority, for all materials and stores he is called upon to supply. He will thus have vouchers by which to support his accounts, and will be able to show at any time which of the officers of the departments became responsible for the property after it left his custody.

A good portion of the present year has been devoted to inspecting and taking an account of, by actual tally, the stock in hand.

The numerous cases of machinery, the storekeeper informed me, had been cleaned and re-arranged and packed anew; and the cases re-marked, to show the number and description of the contents. I was conducted through the various sheds and storehouses, and I am bound to say that the whole presented a very satisfactory appearance as regards the arrangement and safe custody of the property. The stock-taking was still in progress at the date I visited the department, but it was believed that the whole would be completed by the end of the year. I must mention here one important object which it is very desirable should be kept in view. It

will doubtless be found necessary when the arrear accounts before alluded to have been completed that "stores" should form one separate and distinct account in the Railway Department ledger, in order that the cost may be accurately distributed to the different departments or sections of the works. The object to be kept in view, is to have the accounts in the store department in such a state that the gross value of the stock in hand at any date, as shown by those accounts, will be accurately represented by the correct balances at the same dates of the account, headed "Stores" in the accountant's ledger. Some little difficulty may, perhaps, be experienced in making the accounts coincide in the first instance; but this once accomplished, there need be no further difficulty; for thereafter both sets of accounts would be compiled from the same data, and, if correctly kept, would agree.

In the course of the ensuing year the entire series of accounts throughout the several branches of the department will probably be brought into a complete state; and when an inspection by the Commissioners of Audit next takes place, there will in all likelihood be nothing to prevent the Commissioners from making a full and final report upon the whole department.

I will conclude this portion of my report by suggesting a few additional precautions in the management of the accounts. In the first place, I would recommend that the examination by the audit clerk of the details shown by the books kept in the goods' shed should not be dispensed with. It may happen that the details are erroneous, even when the results brought out are correct, and there is no method of effectually guarding against this, except that above suggested. I would recommend further that the periodical accounts of the book debts prepared by the goods' clerk should be sent in to the audit clerk, to be examined and to be by him rendered to the persons concerned. At present they are rendered by the goods' clerk, and the object of my recommendation is to guard against the possibility of moneys recovered on such accounts being retained for an undue period in the hands of the collector. It would be very desirable also if the right to receive money on account of the department could be limited to one person; at all events the persons to whom it may be necessary to give this right, should be authorized by name, and none others should be allowed under any circumstances to receive moneys on account of the department. In the next place I would recommend some further restrictions on the cashier, who is also collector.

I inquired very minutely of the audit clerk as to the course to be pursued in checking the cashier's accounts, and received his assurance that every possible precaution is taken against carelessness or irregularity of any kind. The plan at present followed is this:—The cashier makes return each day to the audit clerk of the moneys collected, and the latter ascertains that the amount has been duly lodged in the bank. At the end of the month, if any of the accounts rendered have not been settled, an inquiry is instituted into the cause of the delay. So far this is satisfactory, but still there is the absence of certainty in regard to a very material point, viz., whether in the daily returns made by the cashier every sum collected during the day had been entered. True, any omission of this kind would be found out at the end of the month; but this is scarcely sufficient, for at that period accounts for another month against the same department or persons would be issued, and should a wilful omission be made at any time, the deficiency in respect of the one month might be made good out of moneys received in the next month, and thus the deficiency could be perpetuated.

In order that a more effectual check may be exercised in this matter, I would suggest that the cause of delay in the settlement of an account should be fully ascertained at an earlier period, and in every case before the accounts against the same department or person for the subsequent month are given out for collection.

On the subject of book debts, I may mention that, in reply to inquiries I made, the secretary informed me that strict orders had recently been issued to the goods' clerk to give no credit in any case without distinct authority from his office.

The audit clerk must consider it an essential part of his duty to see that this rule is not departed from.

The inspections to which the above report relates were made in the latter part of October and the beginning of November last.

1861-2.

VICTORIA.

PROGRESS REPORT

OF 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, 12TH NOVEMBER, 1861.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 4TH SEPTEMBER, 1861.

REFRESHMENT ROOMS COMMITTEE (JOINT).—The Honorable Dr. Wilkie, in accordance with notice, moved.
That the Honorables S. G. Henty, A. Fraser, J. Stewart, B. Williams, and W. Highett, be members of
the Joint Committee of both Houses to manage the Refreshment Rooms and Stables.
Question—put and passed.

TUESDAY, 12TH NOVEMBER, 1861.

REFRESHMENT ROOMS (JOINT) SELECT COMMITTEE.—The Honorable W. Highett brought up the First
Progress Report of the Select Committee of both Houses appointed for the management of the
Refreshment Rooms, and moved that it be printed and taken into consideration on the next day of
meeting of the Council.
Question—put and passed.

REPORT.

THE Select Joint Committee, appointed by both Houses of Parliament to manage the Refreshment Rooms and Stables, have the honor to report that they have arrived at the following resolutions:—

1. That tenders be invited for the use of the Stables attached to the Parliament Houses for the year 1862, on the approved tariff of charges.

2. That the Government be requested to place the sum of £400 on the Estimates for the year 1862 for allowance to the Contractor for the Refreshment Rooms during that year.

3. That, in order to prevent the intrusion of Strangers into the Rooms set apart for the sole use of Members, the Government be requested to place the sum of £60 on the Estimates for 1862 for the Comptroller of the Refreshment Rooms.

4. That the Committee recommend that the room at present used as a Newspaper Room be appropriated as a room for the reception of Strangers to be introduced by Members only; and in no case are Strangers to be allowed to loiter in the Corridor or to enter into the Smoking or Dining Rooms.

WILLIAM HIGHETT,
Chairman.

Committee-room, Library,
6th November, 1861.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 17TH SEPTEMBER, 1861.

Members present :

Mr. J. T. Smith, in the Chair.

Mr. L. L. Smith

Mr. Pyke.

Committee deliberated and passed certain resolutions.

The Committee adjourned.

WEDNESDAY, 6TH NOVEMBER, 1861.

Members present :

The Honorable W. Highett, in the Chair.

Mr. Frazer, Mr. Snodgrass, Mr. L. L. Smith.

Committee deliberated and passed certain resolutions.—Chairman ordered to report the same.

1861-2.

VICTORIA.

SECOND PROGRESS REPORT

OF THE

JOINT SELECT 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 12TH FEBRUARY, 1862.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 4TH SEPTEMBER, 1861.

REFRESHMENT ROOMS COMMITTEE (JOINT).—The Honorable Dr. Wilkie, in accordance with notice, moved, That the Honorables S. G. Henty, A. Fraser, J. Stewart, B. Williams, and W. Highett, be members of the Joint Committee of both Houses to manage the Refreshment Rooms and Stables.

Question—put and passed.

WEDNESDAY, 12TH FEBRUARY, 1862.

REFRESHMENT ROOMS (JOINT) SELECT COMMITTEE.—The Honorable W. Highett brought up a Progress Report from the Select Committee of both Houses of Parliament, appointed for the management of the Refreshment Rooms, and moved that the same be printed, and that its consideration be made an Order of the Day for the next day of meeting.

Question—put and passed.

SECOND PROGRESS REPORT.

THE Joint Select Committee on the Refreshment Rooms have the honor to submit the following Progress Report:—

1. That the tender of Mr. Walsh for the management of the Parliament Stables be accepted for six months, the management during such period to be under the supervision of the Comptroller.
2. That, in consequence of the abolition of the office of Stablekeeper, Mr. Taylor, the late keeper, be recommended for favorable consideration by the Government.
3. That the rule relating to the exclusion of strangers from the Refreshment Rooms be strictly enforced, unless in the case of ex-members of Parliament.

WILLIAM HIGHETT,
Chairman.

Committee Room,
12th February, 1862.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 12TH FEBRUARY, 1862.

Members present :

The Honorable W. Highett, in the chair.

Mr. Snodgrass and Mr. L. L. Smith.

Letter read from Mr. Taylor, the late stablekeeper.

Letter read from Mr. Walsh, tendering for the management of the stables.

Letter read from John Deegan, requesting employment in the stables.

Mr. Smith moved, That Mr. Walsh's tender be accepted for six months, subject to the supervision of the Comptroller.

Agreed to.

Mr. Snodgrass moved, That, in consequence of the abolition of his office, Mr. Taylor, the late stablekeeper, be recommended to the Government with a view to his immediate employment.

Agreed to.

Letter read from the Hon. the Chief Secretary to the Comptroller, containing suggestions from the Commissioners of Audit relative to keeping a record of the property of the department.

Mr. Snodgrass moved, That the Rule referring to the exclusion of strangers from the Refreshment Rooms be strictly enforced, except in the case of ex-members of Parliament.

Agreed to.

Adjourned, *sine die*.

1861-2.

VICTORIA.

LEGISLATIVE COUNCIL.

FIRST REPORT

OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE R. THOMSON AND ORDERED
BY THE COUNCIL TO BE PRINTED 18TH FEBRUARY, 1862.

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, or presented.	Report and Remarks of the Committee.
University of Melbourne—Report of, year ending 31st May, 1861	4th Sept., 1861	... ..	No order made.
Trade and Customs Return—1860	"	"
Mining Operations under New Inglewood Reservoir and at Daylesford—Order in Council (22nd July, 1861)	"	"
Wendouree Swamp — Mining under, Durham Gold Mining Company—Order in Council (15th July, 1861)	"	"
Mining Districts altered—Orders in Council (3rd July, 1861)	"	"
Wendouree Swamp — Mining under, Royal Saxon Company —Order in Council (2nd July, 1861)	"	"
Quarry Reserve, Ballaarat West — Mining under — Order in Council (12th August, 1861)	"	"
Sanitary Station—Chief Medical Officer's Report on, 1860	"	"
Health, Central Board of—Sixth Annual Report	"	"
Wendouree Parade, Ballaarat West—Mining under—Order in Council (19th August, 1861)	"	"
Ballaarat Gaol Reserve—Mining under—Order in Council (19th August, 1861)	"	"
Meredith Town Common—Proclamation of (12th August, 1861)	"	"
Smythesdale Town Common—Proclamation of (15th July, 1861)	"	"
Gisborne Town Common enlarged—Proclamation of (15th July, 1861)	"	"
Hamilton Town Common altered—Proclamation of (15th July, 1861)	"	"
Jones's Creek Gold Fields Common—Proclamation of (30th July, 1861)	"	"

Subject.	When moved for, and by whom.	When laid on the Council Table.	By Command, or presented.	Report and Remarks of the Committee.
Mount Egerton Gold Fields Common—Proclamation of (12th August, 1861)	4th Sept., 1861	... ..	No order made.
Sandy Creek Gold Fields Common—Proclamation of (22nd July, 1861)	"	"
Steiglitz Gold Fields Common enlarged—Proclamation of (12th August, 1861)	"	"
Heathcote Gold Fields Common enlarged—Proclamation of (30th July, 1861)	"	"
Kerrit Barreet Farmers Common—Proclamation of (10th June, 1861)	"	"
Farmers Commons—Proclamation of (15th July, 1861)	"	"
Farmers Commons—Proclamation of (22nd July, 1861)	"	"
Farmers Commons—Proclamation of (17th June, 1861)	"	"
Farmers Commons—Proclamation of (12th August, 1861)	"	"
Bet-Bet Farmers Common—Amended description of (30th July, 1861)	"	"
Residence and Cultivation Licences—Regulations (5th July, 1861)	"	"
Regulation respecting selection of Allotments by Lot—Proclamation of (12th August, 1861)	"	"
Graziers Licence Regulations for Gold Fields Common—Proclamation of (10th June, 1861)	"	"
Public Worship—Additional Regulations (19th August, 1861)	10th Sept., 1861	... ..	"
Allotments—Proclamation respecting selection of (12th August, 1861)	"	"
Farmers Commons, Avoca and Croxton West—Proclamation of (19th August, 1861)	17th Sept., 1861	... ..	"
Hepburn Gold Fields Common—Proclamation of (19th August, 1861)	"	"
Korong Road—Mining under—Order in Council (26th August, 1861)	"	"
Navarre Gold Fields Common—Proclamation of (26th August, 1861)	24th Sept., 1861	... ..	"
Morrison's Diggings Gold Fields Common enlarged—Proclamation of (26th August, 1861)	"	"
Officials in Parliament Act—Despatch from the Right Hon. the Secretary of State (12th August, 1859), with enclosures	"	Recommended to be printed.
Aborigines—Central Board to watch over—First Report of	"	No order made.

Subject.	When moved for, and by whom.	When laid on the Council Table.	By Command, or presented.	Report and Remarks of the Committee.
Mining Leases—Regulations for —Order in Council (2nd Sep- tember, 1861)	24th Sept., 1861	... ..	No order made.
Criminal Statistics, 1859	"	"
Supreme Court Rules (18th Sep- tember, 1861)—Divorce and Matrimonial Causes	"	"
Occupation Licence Regulations for Country Lands (27th Au- gust, 1861)	1st Oct., 1861	... ..	"
Offences under 24 Victoria No. 117—Proclamation (29th Au- gust, 1861)	"	"
Belvoir Town Common—Procla- mation (2nd September, 1861)	"	"
St. Andrew's Division of Castle- maine Mining District—Alte- ration of—Order in Council (9th September, 1861). Cas- tlemaine Mining District— Alteration of—Order in Coun- cil (9th September, 1861)	"	"
Auriferous Land—Regulations for Mining Leases—Order in Council (16th September, 1861)	8th Oct., 1861	... ..	"
Agriculture, Board of—Second Annual Report.	"	"
Country Lands Occupation Li- cences—Modification of (25th September, 1861)	15th Oct., 1861	... ..	"
Farmers Commons—Proclama- tion of (16th September, 1861)	"	"
Residence and Cultivation Li- cences—Regulations (7th Oc- tober, 1861)	"	"
Bairnsdale Town Common al- tered—Proclamation (30th September, 1861)	29th Oct., 1861	... ..	"
Belmont Town Common—Rules for management of (24th Sep- tember, 1861)	"	"
Depasturing Sheep on Farmers Commons—Proclamation pro- hibiting (28th August, 1861)	"	"
Crown Lands alienated—Return of (1st April to 30th June, 1861)	"	"
Fees of Court, in proceedings under the Divorce Act—Scale of (2nd October, 1861)	"	"
Electors, Registration of Par- liamentary—Payments made under 22 Vict., No. 81, S. 30.	12th Nov., 1861	... ..	"
Queensland Government—Des- patch from the Right Hono- rable the Secretary of State, with Act 24 and 25 Vict., Cap. XLIV.	"	"
Death of Her Royal Highness the Duchess of Kent—Despatch from the Right Honorable the Secretary of State, acknow- ledging an Address from the Council (12th August, 1861)	"	"

Subject.	When moved for, and by whom.	When laid on the Council Table.	By Command, or presented.	Report and Remarks of the Committee.
Public Accounts—Regulations respecting (23rd September, 1861)	12th Nov., 1861	... ..	No order made.
Statistics of Victoria, 1860	14th Jan., 1862	... ..	"
Hamilton County Court—Abridgment of Interval—Order in Council (4th November, 1861)	"	"
Maryborough Division of Maryborough Mining District—Polling Places altered—Order in Council (4th November, 1861)	"	"
Mails—Contract for carriage of, Agreement (16th April, 1861)	"	"
Mail Service between United Kingdom and Australia—Despatch from the Right Honorable the Secretary of State for the Colonies, with correspondence (26th April, 1861)	"	"
Creswick Farmers Common abolished—Proclamation (28th October, 1861)	15th Jan., 1862	... ..	"
Bung Bong Farmers Common enlarged—Proclamation (21st October, 1861)	"	"
Wyndham Town Common altered—Proclamation (28th October, 1861)	"	"
Gold Fields Commons—District between Maryborough and Amherst, Sago Hill and Campbell's Gully—Proclamation (21st October, 1861)	"	"
South Hamilton Farmers Common—Proclamation (4th November, 1861)	"	"
Ararat Town Common—Regulations (23rd September, 1861)	"	"
Carisbrook Town Common—Regulation (23rd September, 1861)	"	"
Clunes Town Common—Regulations (23rd September, 1861)	"	"
Kilmore Town Common—Regulations (23rd September, 1861)	"	"
Winchelsea Town—Alteration of, Proclamation (4th November, 1861)	"	"
Graziers' Licences for Gold Fields Commons—Additional Regulation (13th November, 1861)	"	"
Amherst Farmers Common—Proclamation (4th November, 1861)	"	"
Cranbourne Town Common altered—Proclamation (11th November, 1861)	"	"
Farmers Commons—Hamilton and Bochara, Wild Duck Creek—Proclamation (25th November, 1861)	"	"

Subject.	When moved for, and by whom.	When laid on the Council Table.	By Command or presented.	Report and Remarks of the Committee.
Farmers Commons — South Barnawartha, South Woor- ragee—Proclamation (25th November, 1861)	15th Jan., 1862	... ..	No order made.
Sandhurst Gold Fields Common enlarged—Proclamation (25th November, 1861)	"	"
Mepunga Farmers Commons— Proclamation (25th November, 1861)	"	"
Merino and Moolort Farmers Commons—Proclamation (9th December, 1861)	"	"
Expenditure under Schedule D to Act 18 and 19 Victoria, cap. 55, during 1860, on account of 1859	"	By Command	"
Expenditure under Schedule D to Act 18 and 19 Victoria, cap. 55, during and on account of 1860	"	"	"
Omeo Division of Mining District of Beechworth altered—Order in Council (30th December, 1861)	21st Jan., 1862	... ..	"
Irrewarra Farmers Common altered—Proclamation (9th December, 1861)	"	"
Merino Town Common enlarged —Proclamation (9th Decem- ber, 1861)	"	"
Farmers Common at Codrington, &c.—Proclamation (30th De- cember, 1861)	"	"
South Australian Real Property Act Amendment Bill, and Memoranda by Real Property Law Commission in South Australia	"	Recommended that the Me- moranda be printed.
Melton Town Common enlarged —Proclamation (13th Jan- uary, 1862)	4th Feb., 1862	... ..	No order made.
Wangaratta Town Common— Proclamation (13th January, 1862)	"	"
Smythesdale Town Common— Regulations for (13th January, 1862)	"	"
Pyalong Farmers Common— Proclamation (21st January, 1862)	"	"
South Australia—Report of Real Property Commission (15th November, 1861)	"	Recommended that the Report be printed, with- out the evidence and appendices.
Crown Lands alienated under Act 24 Victoria, No. 117, from 1st July to 30th September, 1861)	12th Feb., 1862	... ..	No order made.

MATTHEW HERVEY,

Chairman.

18th February, 1862.

1861-2.

—
VICTORIA.

FIRST PROGRESS REPORT

FROM THE

SELECT JOINT COMMITTEE

OF THE

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

UPON THE

LIBRARY.

ORDERED BY THE COUNCIL TO BE PRINTED, 11TH MARCH, 1862

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 4TH SEPTEMBER, 1861.

LIBRARY COMMITTEE (JOINT).—The Honorable Dr. Wilkie, in accordance with notice, moved, That the Honorable the Acting President, J. P. Fawkner, J. B. Bennett, T. H. Power, and the Mover be members of the Joint Committee of both Houses to manage the Library.

Question—put and passed.

TUESDAY, 11TH MARCH, 1862.

LIBRARY COMMITTEE.—FIRST PROGRESS REPORT.—The Honorable T. H. Power brought up the First Progress Report of the Select Committee of both Houses of Parliament appointed to manage the Library, and moved that the same be printed, and that its consideration be made an Order of the Day for Tuesday, the 18th instant.

Question—put and passed.

FIRST PROGRESS REPORT.

The Joint Committee of the Library of the Parliament, having had referred to them, by order of the Legislative Assembly, upon the motion of Mr. Nixon on the 6th of February, 1862, the question as to the expediency of supplying all Mechanics' Institutes and Reading Rooms in the Colony with copies of the "Votes and Proceedings" of the House of Assembly, the *Government Gazette*, and the Prize Essays, just issued, beg to report—

That, having considered the subject referred to them, they are of opinion, that the "Votes and Proceedings" of the Legislative Assembly may be properly issued to such Mechanics' Institutes and Reading Rooms as may apply for them ; such applications to be made to the Government Printer, naming some place or person in Melbourne where, or with whom the papers may be left : but this Committee having no control over the printing and delivering of the *Government Gazette*, nor over the issuing of the Prize Essays referred to, beg to submit their inability to report thereon.

March 4th, 1862.

1861-2.

VICTORIA.

LEGISLATIVE COUNCIL.

SECOND REPORT

OF THE

PRINTING COMMITTEE.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE DR. HOPE, AND ORDERED BY
THE COUNCIL TO BE PRINTED 9TH APRIL, 1862.

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.
Purnin and Cooramook Farmers' Commons—Proclamation (13th February, 1862)	18th Feb., 1862	... ..	No order made.
Fryer's Creek—Mining under Reserved Land at—Order in Council (13th January, 1862)	"	"
Friendly Societies—Return of, Registered during 1861	"	"
Maryborough—Polling places of Mining District altered (27th January, 1862)	"	"
Sandhurst—Additional Polling Place of Mining District (3rd February, 1862)	"	"
Petition signed by A. M. Campbell and others, in the Parishes of Moolap, Bellerine, and Paywit	25th Feb., 1862	... ..	Recommended to be printed.
Instructions to Robert O'Hara Burke, Esq., (18th August, 1860)	"	No order made.
Despatch to Robert O'Hara Burke, Esq., (24th June, 1861)	"	"
Instructions to Commander Norman, of H.M.C.S. <i>Victoria</i> (30th July, 1861)	"	"
Instructions to Leader of Second Queensland Party (29th July, 1861)	"	"
Instructions to A. W. Howitt, Esq., (24th June, 1861)	"	"
Acreage, Assessment, and Capabilities of certain Runs—Return to an Order of the Council	Hon. G. Rolfe, 18th February, 1862	4th March, 1862	... ..	"
Burke, and Wills, Victorian Explorers—Report of Commissioners appointed to inquire into the circumstances connected with the sufferings and death of—	"	"
Instructions to Mr. F. Walker from the Exploration Committee of the Royal Society of Victoria (20th July, 1861)	"	"
Laanecoorie Farmers' Common—Proclamation (30th December, 1861)	11th March, 1862	... ..	"

Subject.	When moved for, and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Mulgrave Farmers' Common— Proclamation (10th February, 1862)	11th March, 1862	... ..	No order made.
Codrington Farmers' Common altered—Proclamation (17th February, 1862)	"	"
Gold Field Statistics—1861	"	"
Ballaarat and Maryborough Mining District—Additional Polling places—Order in Council (17th February, 1862)	"	"
Mining Lease of Mineral Lands— Amended form of Order in Council (3rd February, 1862)	"	"
National Education—Eighth Report of Commissioners	"	"
War with America—Circular Des- patch from the Right Honorable the Secretary of State for the Colonies (26th December, 1861)	18th March, 1862	By command	"
War with America—Circular Despatch from the Right Honorable the Secretary of State for the Colonies (22nd January, 1862)	"	"	"
Botanist—Annual Report of Government (10th March, 1862)	25th March, 1862	... ..	"
National Education—Return to an Order of the Council	Hon. T. H. Power, 19th March, 1862	2nd April, 1862	... ..	Recommended to be printed.
Shipping in Hobson's Bay— Return to an Address of the Council	Hon. W. Highett, 11th March, 1862	8th April, 1862	... ..	"
Defence Commission—Return to an Address of the Council	Hon. W. Hull, 25th March, 1862	"	... ..	"
Upper Plenty Farmers' Common altered—Proclamation (24th February, 1862)	"	No order made.
Yulecart and Audley Farmers' Commons—Proclamation (10th March, 1862)	"	"
Beechworth District Court of Mines at Morse's Creek—Order in Council (17th March, 1862)	"	"
Smythesdale County Court— Order in Council (17th Feb- ruary, 1862)	"	"
Jury List at Smythesdale to be made—Order in Council (24th February, 1862)	"	"
Morse's Creek, County Court transferred from Buckland to— Order in Council (17th March, 1862)	"	"
A. W. Howitt, Esq., Supplemen- tary Instructions to (4th July, 1861)	"	"

MATTHEW HERVEY,
Chairman.

Committee Room,
9th April, 1862.

1861-2.

VICTORIA.

LEGISLATIVE COUNCIL.

THIRD REPORT

OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE R. THOMSON, AND ORDERED BY
THE COUNCIL TO BE PRINTED, 21ST MAY, 1862.

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.
Gunpowder Imported—Return to an Order of the Council	Hon. G. W. Cole. 2nd April, 1862	29th April, 1862	...	...	Recommended to be printed.
Criminal Statistics, 1860	”	No order made.
Electric Telegraph Department—Report for 1861	”	”
Victorian Exploration—Report of Commander Norman, of H.M.C.S. <i>Victoria</i> , together with copy of his journal on the late expedition to the Gulf of Carpentaria	1st May, 1862	...	...	”
Health Officer—Report for the year ending 31st December, 1861	6th May, 1862	...	...	”
Board of National Education Rule—Examination and Salaries of Teachers	”	”
Burnt Creek Gold-Fields Common—Proclamation(17th March, 1862)	14th May, 1862	...	...	”
Quartz Reefs, Yield of gold from—Memorandum (28th April, 1862)	”	”
<i>Victoria</i> , Colonial Sloop of War—Expenses in New Zealand and manner in which they were defrayed	20th May, 1862	...	...	Recommended to be printed.

MATTHEW HERVEY,

Committee Room,

Chairman.

21st May, 1862.

1861-2.

VICTORIA.

THIRD PROGRESS REPORT

OF THE

JOINT SELECT 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 13TH JUNE, 1862.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 4TH SEPTEMBER, 1861.

REFRESHMENT ROOMS COMMITTEE (JOINT).—The Honorable Dr. Wilkie, in accordance with notice, moved That the Honorables S. G. Henty, A. Fraser, J. Stewart, B. Williams, and W. Highett, be members of the Joint Committee of both Houses to manage the Refreshment Rooms and Stables.

Question—put and passed.

TUESDAY, 25TH FEBRUARY, 1862.

REFRESHMENT ROOMS (JOINT) SELECT COMMITTEE.—The Honorable W. Highett, with leave of the Council, moved, without notice, That the Honorable W. Hull be appointed a member of the Joint Committee of both Houses of Parliament, appointed for the management of the Refreshment Rooms, instead of the Honorable A. Fraser, to whom leave of absence has been given by the House.

Question—put and passed.

FRIDAY, 13TH JUNE, 1862.

REFRESHMENT ROOMS (JOINT) SELECT COMMITTEE.—The Honorable W. Highett brought up the Third Progress Report of the Select Committee of both Houses, appointed for the management of the Refreshment Rooms, and moved that it be printed, and the adoption of the report be made an Order of the Day for Tuesday next.

Ordered.

PROGRESS REPORT.

THE Select Committee appointed by both Houses of Parliament to manage the Refreshment Rooms submit the following Report—

1. That the Refreshment Rooms be kept open during the recess from 10 a.m. to 4 p.m. on each day of the week except Saturday.

WILLIAM HIGHETT,

Chairman.

Committee Room,

(Library,) 12th June, 1862.

PROCEEDINGS OF COMMITTEE.

THURSDAY, 12TH JUNE, 1862.

Members present :

The Honorable W. Highett, in the chair ;
The Honorables S. G. Henty, B. Williams, W. Hull.

The following accounts submitted by the Comptroller were ordered to be paid, viz. :—

Stanway	...	...	£28	19	0
McEwan and Co.	...	...	16	18	6
Moubray and Co.	...	...	1	5	0

Application from Mr. J. J. Moody, Parliamentary Agent, for access to the Refreshment Rooms whilst Members are assembled therein, was next considered and granted.

Ordered—That the Refreshment Rooms be kept open during the recess, between the hours of ten a.m. and four p.m., on every day of the week except Saturday.

The Committee adjourned.

1861-2.

VICTORIA.

LEGISLATIVE COUNCIL.

FOURTH REPORT

OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE C. VAUGHAN, AND
ORDERED BY THE COUNCIL TO BE PRINTED 17TH JUNE, 1862.

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 Committee.
Agricultural and Live Stock Statistics (year ending 31st March, 1861), with Preliminary Statistical Notes	27th May, 1862	... ..	No order made.
Return of Diseases in the various establishments under the charge of the Chief Medical Officer, for the year 1861	"	"
Crown Lands alienated from 1st October to 31st December, 1861, inclusive	28th May, 1862	... ..	"
Department of Railways—Audit Commissioners' Report on the Books and Accounts of	3rd June, 1862	... ..	Recommended to be printed.
Refunds to Occupants of Runs	"	No order made.
Public Accounts.—Regulation supplementary to Regulation 20	"	"
Sandford Farmers Common.—Proclamation (5th May, 1862)	12th June, 1862	... ..	"
Pilot Board.—Accounts for years 1859 and 1860	13th June, 1862	... ..	"

MATTHEW HERVEY,
Chairman.

Committee Room,
17th June, 1862.

1861-2.

VICTORIA.

PETITION.

REAL PROPERTY BILL.

RESIDENTS OF MELBOURNE AND NEIGHBOURHOOD.

ORDERED BY THE COUNCIL TO BE PRINTED, 8TH APRIL, 1862.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF VICTORIA IN
PARLIAMENT ASSEMBLED.

The Petition of the undersigned Residents of Melbourne and neighbourhood,

HUMBLY SHOWETH—

That your Petitioners, being aware that a Bill, for the simplification and cheapening of the Transfer of Real Property, in unison with that in operation in South Australia, known as "Torrens's Act," is now before your Honorable Council, and being of opinion that it will prove of inestimable benefit to the community, humbly pray that the same may receive your most favorable consideration and be speedily made the law of this Colony.

And your Petitioners, will ever pray, &c.

[Here follow 6,951 Signatures.]

By Authority : JOHN FERRES, Government Printer, Melbourne.

VICTORIA.

PETITION.

FARMERS' ASSOCIATION, INDENTED
HEADS, &c.

ORDERED BY THE COUNCIL TO BE PRINTED, 9TH APRIL, 1862.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF VICTORIA,
IN PARLIAMENT ASSEMBLED.

Honorable Gentlemen,

The Petition of the Farmers' Association, Indented Heads, the proprietors of land and
freeholders in the parishes of Moolap, Bellerine, and Paywit, in the County of Grant,

HUMBLY SHOWETH,

That your Petitioners are laboring under grievous political inequalities, and are subject to most oppressive wrongs in the working of our political system; that these are the immediate and natural results of those changes which, without due consideration, or any necessity whatever, but rather as Utopian theories, or experiments in abstract principles of government, have been introduced into the constitution of this colony without having given that constitution any trial, characterising the love of change, taste for novelty, and instability that marked the period.

That, in the election of members of the Legislative Assembly, your Petitioners are virtually disfranchised, or submerged in the great preponderance of the numerical majority, under the principle of manhood suffrage. That they cannot but view with alarm the tendency of this power to ignore the rights of property, and the claims of education and intelligence in the representation of the people. That they are apprehensive that, unless some counteracting power, or restraining influence, be brought to bear as a counterpoise, it is their conviction that an unrestricted suffrage will prove highly prejudicial to the interests of good government, and will operate injuriously to the prosperity, peace, and harmony of the people of this colony.

That your Petitioners do not consider it either reasonable or consistent that, in the existing state of our social and political knowledge, the only test of citizenship, or right to exercise the elective franchise, should be limited to a mere standard of years. They think it is but just to observe that, if property and wealth have social duties to perform and obligations to discharge, these are no less entitled to corresponding constitutional privileges and political immunities.

That your Petitioners cannot comprehend the justice or equity of the political theory which withholds from the man, who, by a long course of persevering, laborious, and patient industry, has acquired property, any higher constitutional rights than are conferred upon the individual who has only attained the age of manhood, without any acquisitions whatever, or any stake in the country. They do not understand, indeed they unhesitatingly assert, that it cannot be sustained by any principle of sound reason, or upheld by any valid argument, much less will it bear the test of common sense, that the adventurer who is in this colony to day, and who may be on his way to some other part of the world to-morrow, should be placed on the same political footing with the possessor of property, subject to all its duties, obligations, and responsibilities; or that the one should feel an equal interest in legislation and good government as the other.

That it is admitted that the excellence and efficiency of the representative principle consists in every interest and section of the community being duly, or, as nearly as practicable, equally represented in legislation. That, under manhood suffrage, all political rights and social distinctions are, in effect, reduced to a mere nullity, or absorbed in the vortex of the one preponderating class, that class being by far the least competent to exercise the elective franchise with advantage to the general interests, to estimate its social importance, or to appreciate its value as a principle of constitutional government.

That the experience of every general election which has taken place in the colony since the abolition of the property qualification of members of the Legislative Assembly, and the extension of the suffrage, proves the fact, that an unrestricted suffrage has the tendency, as a natural and inevitable

consequence, to deteriorate and to render inefficient the legislative body. That, under the provisions of the constitution of the colony as it now stand, persons of no weight or standing in society—individuals without any stake whatever in the country, or, in fact, destitute of the most ordinary education—are eligible to be members of the Legislative Assembly.

That your Petitioners submit the contingency presents itself, that, under manhood suffrage, one branch of the Legislature, without any other claims to public confidence and consideration beyond being elected upon what are denominated popular principles, or popular caprice, may be called upon to legislate upon questions involving paramount social interests. That even the possibility exists, that, under an unrestricted suffrage, a Ministry constituted of such elements may be called into existence, to take the reins of government, and to assume the weighty responsibilities of an Administration, in a colony demanding no ordinary degree of intelligence and practical experience of all those complications incidental to the settlement of a new country, and essential to the efficient direction and management of its economy.

That your Petitioners would earnestly, but, at the same time, most respectfully urge upon the consideration of your honorable House the great necessity that exists for effecting such immediate amendments in the principle of the elective franchise as in your wisdom shall appear best calculated to remedy the grievances under which your memorialists are labouring. That your Memorialists do not arrogate any peculiar immunities or exclusive privileges for that class to which they themselves belong. On the contrary, their earnest desire is to do justice to every interest, to insure to property its just share in the representation, and to dispense equally the blessings of impartial legislation, and of free and enlightened government, to every class, section, and individual member of the community.

That your Petitioners, in conclusion, but with great deference, would suggest, without any wish on their part to enter into details, that, in their opinion, the simplest and least objectionable method of attaining the desired object would be by conferring a plurality of votes to represent property, and in proportion to vested interests. That this subject has been under the careful consideration of your Petitioners, and that they have arrived at the conclusion that such a remedy for the grievances of which they complain is not only feasible, but will be the best possible mode of obtaining equal representation for the property, wealth, and intelligence, and manhood of society.

And, finally, your Petitioners, as in duty bound, will ever pray.

[Here follow 82 signatures.]

VICTORIA.



VOTES
AND
PROCEEDINGS
OF THE
LEGISLATIVE
COUNCIL.

SESSION.

1861-2.

LIBRARY